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JOURNAL

OF THE

Constitutional Convention

OF THE

STATE OF NEW YORK

1915

Begun and Held at the Capitol in the City of Albany on Tuesday the Sixth Day of April



ALBANY
J. B. LYON COMPANY, PRINTERS
1915

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September 10, 1915

Pursuant to the authority vested in me by the following resolution:

Resolved, That the President of the Convention be and he hereby is authorized to designate some suitable person or persons to revise and index the Record of the Convention and to index the Journal, documents, and the Proposed Constitutional Amendments and that the expense incurred for such services (not exceeding $5,000) be paid out of the moneys heretofore appropriated for the expenses of the Convention upon vouchers signed by the President or the Vice-President of the Convention and by the Secretary or Assistant Secretary designated by the Secretary for that purpose. The work to be done under the supervision and approval of a committee of three members of the Convention to be appointed by the President.

Further resolved, That the revised Record, Journal, and documents be printed and bound under the Convention printing contract; that the printed and bound copies be delivered to the State Library for distribution to delegates, libraries, educational institutions, and otherwise, and that the sum of ten thousand dollars ($10,000), or so much thereof as shall be necessary, be paid for such printing and binding out of the unexpended balance of the appropriation of the expenses of the Convention.

I hereby designate Fred W. Hammond and William K. Mansfield, as his assistant, to revise and index the Record of the Constitutional Convention of 1915 and to index the Journals, documents and Proposed Constitutional Amendments thereof.

And I hereby appoint Leroy A. Lincoln, George A. Blauvelt and Robert R. Law to be the committee under the supervision and approval of which the said work of revision and indexing is to be done, Mr. Lincoln to be chairman of the committee.

ELIHU ROOT,
President of the Convention.

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JOURNAL

OF THE

CONSTITUTIONAL CONVENTION

STATE OF NEW YORK

ASSEMBLY CHAMBER, CITY OF ALBANY

TUESDAY, APRIL 6, 1915

The Secretary of State, Hon. Francis M. Hugo, attended in person and called the Convention to order.

The proceedings were opened with prayer by the Rev. J. W. Hopkins of Albany.

Pursuant to chapter 819 of the Laws of 1913, entitled "An act to provide for submitting to the people the question 'Shall there be a convention to revise the Constitution and amend the same' and to provide for such convention, if a majority of the electors shall decide that such convention be held," and the acts amendatory thereof, the gentlemen whose names in the following certified list of delegates-elect are not marked with an asterisk appeared in the Assembly Chamber at 12 o'clock noon.

DELEGATES-AT-LARGE.— William Berri, Edgar Truman Brackett, Jacob Brenner, Alphonse T. Clearwater, Patrick W. Cullinan, Seth Low, Louis Marshall, John Lord O'Brian, Herbert Parsons, Adolph J. Rodenbeck, Elihu Root, Jacob Gould Schurman, Henry L. Stimson, George W. Wickersham, Charles H. Young.

FIRST SENATE DISTRICT.— Robert S. Pelletreau, Franklin A. Coles, William M. McKinney.

SECOND SENATE DISTRICT.— Philip Frank, George J. Ryan, John W. Weed.

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THIRD SENATE DISTRICT.— Andrew McLean, Charles A. Webber, * Moses J. Wafer.

FOURTH SENATE DISTRICT.— Floyd J. Adams, Richard E. Weber, Isidor Buxbaum.

FIFTH SENATE DISTRICT.— James H. Dahm, Edward J. Byrne, Michael Daly.

SIXTH SENATE DISTRICT.— Alfred G. Reeves, Meier Steinbrink, William P. Bannister.

SEVENTH SENATE DISTRICT.— Michael Fogarty, Francis P. Ward, William N. Dykman.

EIGHTH SENATE DISTRICT.— William R. Bayes, Almet R. Latson, Edgar M. Doughty.

NINTH SENATE DISTRICT.— Theodore C. Eppig, Frank Mann, Harry Heyman.

TENTH SENATE DISTRICT.— Isaac Sargent, William F. Mathewson, Joseph Linde.

ELEVENTH SENATE DISTRICT.— John F. Ahearn, Alfred E. Smith, Abraham Harawitz.

TWELFTH SENATE DISTRICT.— *John J. White, Morgan J. O'Brien, Harry W. Newburger.

THIRTEENTH SENATE DISTRICT.— Michael J. Drummond, John B. Stanchfield, Arthur J. Baldwin.

FOURTEENTH SENATE DISTRICT.— James A. Foley, Delancey Nicoll, Hiram M. Kirk.

FIFTEENTH SENATE DISTRICT.— Thomas F. Smith, William F. Sheehan, Thomas M. Mulry.

SIXTEENTH SENATE DISTRICT.— Robert F. Wagner, John T. Dooling, John G. Saxe.

SEVENTEENTH SENATE DISTRICT.— Frederick C. Tanner, Courtlandt Nicoll, Gordon Knox Bell.

EIGHTEENTH SENATE DISTRICT.— Mark Eisner, William M. K. Olcott, Martin Saxe.

NINETEENTH SENATE DISTRICT.— Andrew J. Shipman, J. Sidney Bernstein, Albert Unger.

TWENTIETH SENATE DISTRICT.— Timothy A. Leary, Nathan Burkan, Mark W. Potter.

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TWENTY-FIRST SENATE DISTRICT.— Peter Donovan, James F. Donnelly, William E. Slevin.

TWENTY-SECOND SENATE DISTRICT.— Francis Martin, Louis F. Haffen, Anthony J. Griffin.

TWENTY-THIRD SENATE DISTRICT.— George A. Blauvelt, George A. Leitner, Eugene Lamb Richards.

TWENTY-FOURTH SENATE DISTRICT.— Francis A. Winslow, Frank L. Young, Henry R. Barrett.

TWENTY-FIFTH SENATE DISTRICT.— Caleb H. Baumes, Russell Wiggins, Joseph Rosch.

TWENTY-SIXTH SENATE DISTRICT.— Samuel K. Phillips, Clayton Ryder, Lemuel E. Quigg.

TWENTY-SEVENTH SENATE DISTRICT.— Severyn B. Sharpe, * John N. Vanderlyn, H. Leroy Austin.

TWENTY-EIGHTH SENATE DISTRICT.— William Barnes, Harold J. Hinman, Edward A. Mealy.

TWENTY-NINTH SENATE DISTRICT.— Willis E. Heaton, * Victor M. Allen, Andrew P. McKean.

THIRTIETH SENATE DISTRICT.— Robert R. Law, William S. Ostrander, Otis A. Dennis.

THIRTY-FIRST SENATE DISTRICT.— Olin Henry Landreth, Seward H. VanNess, W. Barlow Dunlap.

THIRTY-SECOND SENATE DISTRICT.— George H. Bunce, Perry G. Williams, Charles S. Mereness.

THIRTY-THIRD SENATE DISTRICT.— Edward M. Angell, Harry E. Owen, Patrick J. Tierney.

THIRTY-FOURTH SENATE DISTRICT.— Ferris J. Meigs, Robert S. Waterman, Ledyard P. Hale.

THIRTY-FIFTH SENATE DISTRICT.— Edward N. Smith, Merrick Stowell, Lewis H. Ford.

THIRTY-SIXTH SENATE DISTRICT.— Watson T. Dunmore, Louis M. Martin, Samuel H. Beach.

THIRTY-SEVENTH SENATE DISTRICT.— George L. Bockes, Albert F. Gladding, Frank R. Lennox.

THIRTY-EIGHTH SENATE DISTRICT.— Alan C. Fobes, Ray B. Smith, D. Raymond Cobb.

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THIRTY-NINTH SENATE DISTRICT.— George E. Green, Israel T. Deyo, Samuel H. Fancher.

FORTIETH SENATE DISTRICT.— E. Clarence Aiken, Joseph E. Eggleston, Francis C. Allen.

FORTY-FIRST SENATE DISTRICT.— John M. Parker, Hubert C. Mandeville, Bertrand W. Nye.

FORTY-SECOND SENATE DISTRICT.— John Parmenter, John H. Johnson, Charles H. Betts.

FORTY-THIRD SENATE DISTRICT.— Jesse S. Phillips, James W. Wadsworth, Monroe Wheeler.

FORTY-FOURTH SENATE DISTRICT.— John C. Leggett, Frank S. Wood, Clarence H. Greff.

FORTY-FIFTH SENATE DISTRICT.— Rush Rhees, Frank M. Jones, Andrew E. Tuck.

FORTY-SIXTH SENATE DISTRICT.— Charles J. White, Richard H. Curran, Homer E. A. Dick.

FORTY-SEVENTH SENATE DISTRICT.— Edward E. Franchot, James P. Lindsay, Thomas A. Kirby.

FORTY-EIGHTH SENATE DISTRICT.— George Clinton, Sr., Leroy A. Lincoln, Charles B. Sears.

FORTY-NINTH SENATE DISTRICT.— Mat Endres, Thomas V. O'Connor, Charles Schoonhut.

FIFTIETH SENATE DISTRICT.— Frank W. Standart, Harry D. Sanders, James L. Nixon.

FIFTY-FIRST SENATE DISTRICT.— Herman J. Westwood, Charles M. Dow, James S. Whipple.

A quorum being present, and having taken the constitutional oath of office, the Secretary of State announced that the first order of business would be the election of a President.

Mr. Wadsworth moved that the Convention proceed to the election of a President, and that the Secretary call the roll of delegates and each delegate as his name is called rise in place and name his choice for President.

Mr. Secretary put the question and it was determined in the affirmative.

Mr. Secretary appointed Messrs. Steinbrink of the Sixth Senatorial District and A. E. Smith of the Eleventh Senatorial District as tellers.

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Mr. Low placed in nomination for President Mr. Elihu Root of New York.

Upon the direction of Mr. Secretary the deputy secretary of state called the roll of delegates, whereupon each delegate as his name was called rose in his place and named his choice as follows:

FOR ELIHU ROOT

Adams	Curran	Leggett	Parmenter	Standart
Aiken	Dennis	Lennox	Parsons	Steinbrink
Allen F C	Deyo	Lincoln	Pelletreau	Stimson
Allen V M	Dick	Linde	Phillips J S	Stowell
Angell	Doughty	Low	Phillips S K	Tanner
Austin	Dow	Mandeville	Potter	Tierney
Baldwin	Drummond	Mann	Quigg	Tuck
Bannister	Dunlap	Marshall	Reeves	Vanderlyn
Barnes	Dunmore	Martin L M	Rhees	Van Ness
Barrett	Dykman	Mathewson	Richards	Wadsworth
Baumes	Eggleston	McKean	Rodenbeck	Wafer
Bayes	Fancher	McKinney	Rosch	Waterman
Beach	Fobes	McLean	Ryan	Webber C A
Bell	Ford	Mealy	Ryder	Weber R E
Berri	Franchot	Meigs	Sanders	Weed
Betts	Gladding	Mereness	Sargent	Westwood
Blauvelt	Green	Mulry	Saxe J G	Wheeler
Bockes	Greff	Nicoll C	Saxe M	Whipple
Brackett	Hale	Nicoll D	Schurman	White C J
Brenner	Heaton	Nixon	Sears	Wickersham
Bunce	Hinman	Nye	Sharpe	Wiggins
Buxbaum	Johnson	O'Brian J L	Sheehan	Williams
Clearwater	Jones	O'Brien M J	Shipman	Winslow
Clinton	Kirby	Olcott	Smith E N	Wood
Cobb	Landreth	Ostrander	Smith R B	Young C H
Coles	Latson	Owen	Stanchfield	Young F L
Cullinan	Law	Parker		

FOR MORGAN J. O'BRIEN

Ahearn	Donovan	Frank	Leary	Smith A E
Bernstein	Dooling	Griffin	Leitner	Smith T F
Burkan	Eisner	Haffen	Martin F	Unger
Byrne	Endres	Harawitz	Newburger	Wagner
Dahm	Eppig	Heyman	Schoonhut	Ward
Daly	Fogarty	Kirk	Slevin	White J J
Donnelly	Foley			

Whole number of votes cast, 165.

Elihu Root received 133

Morgan J. O'Brien received..... 32

On motion of Mr. Wagner the vote for Elihu Root was made unanimous.

Elihu Root having received a majority of all the votes cast, Mr. Secretary declared Elihu Root of New York duly elected President of the Convention.

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Mr. Secretary appointed Messrs. Low and Wagner a committee to conduct the President-elect to the chair.

Mr. President upon taking the chair addressed the Convention.

Mr. President stated the next order of business to be the election of a Secretary.

Mr. W. D. Cunningham was placed in nomination for Secretary.

There being no other nomination for Secretary, by unanimous consent Mr. President put the question whether the Convention would agree to the election of W. D. Cunningham as Secretary, and it was determined in the affirmative.

Mr. President declared W. D. Cunningham duly elected Secretary of the Convention.

Mr. President administered the oath of office to Secretary-elect W. D. Cunningham.

Mr. F. L. Young offered for the consideration of the Convention a resolution in the words following:

Resolved, That Harry W. Haines be and hereby is duly elected Sergeant-at-Arms of this Convention.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. President declared Harry W. Haines duly elected Sergeant of the Convention.

Mr. John Marshall and Mr. George S. Shotwell were placed in nomination for official stenographer.

Upon the direction of the President, the Secretary called the roll of delegates, whereupon each delegate as his name was called rose in place and named his choice as follows:

FOR JOHN MARSHALL

Adams	Daly	Law	O'Brien M J	Shipman
Ahearn	Dennis	Leggett	Owen	Slevin
Baldwin	Deyo	Leitner	Parker	Smith E N
Bannister	Dick	Lennox	Parsons	Smith R B
Barnes	Donnelly	Lincoln	Phillips J S	Stanchfield
Baumes	Donovan	Linde	Phillips S K	Standart
Bayes	Dow	Low	Potter	Stimson
Beach	Drummond	Mandeville	Quigg	Stowell
Berri	Dunlap	Marshall	Reeves	Tanner
Betts	Dunmore	Martin F	Rhees	Tuck
Bockes	Dykman	Martin L M	Richards	Unger
Brackett	Eggleston	Mathewson	Rodenbeck	Van Ness
Brenner	Fobes	McKean	Rosch	Wadsworth
Bunce	Fogarty	McKinney	Ryan	Wagner

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Burkan	Foley	Meigs	Ryder	Webber C A
Buxbaum	Ford	Mereness	Sanders	Weber R E
Byrne	Frank	Mulry	Sargent	Westwood
Clearwater	Gladding	Nicoll C	Saxe M	Wheeler
Clinton	Hinman	Nicoll D	Schoonhut	White C J
Cobb	Jones	Nixon	Schurman	Wickersham
Coles	Kirby	Nye	Sears	Wiggins
Curran	Latson	O'Brian J L	Sharpe	Williams
Dahm				

FOR GEORGE S. SHOTWELL

Aiken	Blauvelt	Greff	Smith A E	Whipple
Austin	Cullinan	Hale	Smith T F	Winslow
Barrett	Eisner	Landreth	Ward	Young C H
Bernstein	Green	Leary	Waterman	Young F L

Whole number of votes cast, 134.

John Marshall received 111

George S. Shotwell received 20

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John Marshall having received a majority of all the votes cast, Mr. President declared John Marshall duly elected stenographer of the Convention.

Mr. President administered the oath of office to Stenographer-elect John Marshall.

Mr. J. L. O'Brian offered for the consideration of the Convention a resolution, in words following:

Resolved, That, subject to such changes as the Convention may hereafter make, the rules of the last Constitutional Convention as set forth in the Revised Record of the last Convention, Volume 5, pages 666 to 682, inclusive, be the rules of this Convention.

Excepting and excluding therefrom, however, the last five of the said rules, numbered from 73 to 77, inclusive.

And also provided, that in rule 15, the following changes in committees be made, viz.:

(a) Committee No. 3, after the word "powers", in the title, insert the word "Limitations".

(b) Committee No. 10, instead of a "Committee on Railroads, Transportation, etc.," a "Committee on Public Utilities".

(c) Committee No. 19, in the title, after the word "Interests", insert the words "and Relations".

(d) Committee No. 20, instead of a "Committee on the Salt Springs of the State", a "Committee on the Conservation of the Natural Resources of the State, to consist of seventeen members."

(e) Committee No. 28 (to be added), on the Civil Service, to consist of eleven members.

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(f) Committee No. 29 (to be added), on Library Information.

Further resolved, That all proposals to change the rules which shall be offered in the Convention or delivered in writing by any delegate to the Secretary while the Convention is in recess and before the twenty-first day of April, nineteen hundred and fifteen, shall be of course and without debate referred to the Committee on Rules, when appointed, with instructions to report thereon to the Convention on or before the thirtieth day of April.

Debate was had thereon.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Secretary of State Hugo presented the report and recommendations of the State Printing Board in relation to the proposals for printing for the Convention, and the same were referred to the Committee on Printing when appointed.

Mr. J. S. Phillips offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Convention deems necessary the following officers, employees and assistants, and fixes their compensation as follows:

(1) A President and a first and second Vice-President, to receive no compensation apart from that pertaining to the office of delegate (See Consolidated Laws of 1909, volume 3, page 2111), $3,500 plus $750.

(2) A Secretary, with the same compensation as the Clerk of the Assembly.

A Sergeant-at-Arms, with the same compensation as the Sergeant-at-Arms of the Assembly.

A stenographer, with the same compensation as the stenographer of the Assembly. To the stenographer shall also be paid the sums necessarily expended by him, with the approval of the committee on contingent expenses, for the employment of assistants in the performance of the duties imposed upon him.

Four assistant secretaries, with the same compensation as the assistant clerk of the Assembly.

An assistant sergeant-at-arms, with the same compensation as the assistant sergeant-at-arms of the Assembly.

A librarian and an assistant librarian, with the same compensation as the librarian and assistant librarian of the Assembly.

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A postmaster, with the same compensation as the postmaster of the Assembly.

A clerk and a stenographer for the President, with the same compensation as the clerk and the stenographer to the Speaker of the Assembly.

A janitor, an assistant janitor, four doorkeepers, nine general clerks, ten general messengers, and ten pages, with the same compensation respectively as the janitor, assistant janitor, doorkeepers, general clerks, general messengers and pages of the Assembly.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. Brackett moved that the Convention proceed to the election of a First and Second Vice-President, upon a call of the roll, each member, when his name is called, rising in his place and stating his choice, which was agreed to.

Mr. Jacob Gould Schurman was placed in nomination for First Vice-President.

There being no other nominations for First Vice-President, by unanimous consent Mr. President put the question whether the Convention would agree to the election of Jacob Gould Schurman as First Vice-President, and it was determined in the affirmative.

Mr. President declared Jacob Gould Schurman of Ithaca duly elected First Vice-President of the Convention.

Mr. Morgan J. O'Brien was placed in nomination for Second Vice-President.

There being no other nominations for Second Vice-President, by unanimous consent Mr. President put the question whether the Convention would agree to the election of Morgan J. O'Brien as Second Vice-President, and it was determined in the affirmative.

Mr. President declared Morgan J. O'Brien of New York duly elected Second Vice-President of the Convention.

Mr. Hinman offered for the consideration of the Convention a resolution, in the words following:

Resolved, That a special committee of seven and the President be appointed to consider and report to the Convention as soon as shall be practicable, nominations for the officers, employees and assistants which have been declared to be necessary and have not been heretofore appointed, and that all nominations for such

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positions which shall be filed with the Secretary by members of the Convention be laid before the Convention at the same time with the report of the special committee.

which was agreed to.

Mr. Tanner offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Rules, as soon as practicable after the appointment of the committees enumerated in Rule 15, confer with the committees and report to the Convention upon the number and compensation of committee clerks and the number and compensation of committee stenographers which may be necessary.

which was agreed to.

Mr. President announced the appointment of the following Committee on Printing:

Messrs. Berri, Betts, Nixon, Mereness, Beach, McLean, Dahm.

Mr. E. N. Smith offered for the consideration of the Convention a resolution, in the words following:

Resolved, That seats in the Convention Chamber be assigned as follows:

1st. To the Vice-Presidents in accordance with their choice in order.

2d. To the members who were also members of the Convention of 1894, in accordance with their choice, after the Vice-Presidents, in alphabetical order.

3d. To the remaining members in accordance with their choice in the order determined by lot.

which was agreed to.

On motion of Mr. Deyo, Hon. A. T. Clearwater of Kingston was granted a choice of seat before the drawing of lots.

At 3 o'clock P. M. the Convention took a recess of fifteen minutes.

At 3.15 o'clock P. M. the Convention again convened.

The drawing of seats then took place.

On motion of Mr. Olcott, the Convention adjourned until Wednesday, April 7th, at 10 o'clock A. M.

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WEDNESDAY, APRIL 7, 1915

The Convention met pursuant to adjournment, Mr. President in chair.

Prayer by Rev. J. W. Hopkins.

The journal of the proceedings of the Convention of yesterday was read and approved.

Mr. Berri, from the Committee on Printing, submitted the following report:

To the Constitutional Convention:

The undersigned committee respectfully reports that it has carefully considered the report and recommendation of the State Printing Board, with the accompanying bids and papers submitted to it, and recommends the acceptance of the bid of the J. B. Lyon Company. It also advises the execution of the contract prepared and recommended by the State Printing Board.

We further recommend that until further ordered the number of copies to be printed shall be as follows: of the Proceedings of the Convention, seven hundred; of the Journal, Calendars, Documents and Proposed Constitutional Amendments, five hundred each.

Dated, April 7, 1915.

WILLIAM BERRI,
CHARLES H. BETTS,
CHARLES J. MERENESS,
JAMES H. DAHM,
JAMES L. NIXON,
SAMUEL H. BEACH.

which report was agreed to.

Mr. Berri offered for the consideration of the Convention a resolution in the words following:

Resolved, That the State Printing Board be and they are hereby authorized to execute a contract for the printing of the journals, documents and proceedings of the Convention pursuant to the recommendation of the Committee on Printing in their report made April 7, 1915.

which was agreed to.

Mr. Cullinan moved that Carl H. Osborne be appointed clerk to the President.

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Mr. President put the question whether the Convention would agree to said motion, and it was determined in the affirmative.

Mr. President announced the appointment of the following Committees:

RULES

Messrs. O'Brian of Erie, Hale, Baumes, Parsons, Delancey Nicoll, Sheehan, Wagner.

CONTINGENT EXPENSES

Messrs. Sam. K. Phillips, Fobes, Bell, Sharpe, Sears, Mulry, Dykman.

SPECIAL COMMITTEE ON NOMINATIONS FOR MINOR OFFICES

Messrs. J. S. Phillips, Tanner, Hinman, Meigs, Tuck, Doughty, A. E. Smith.

Mr. R. B. Smith offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Secretary of the Convention be empowered to provide the necessary blanks, stationery and supplies for the use of the Convention and its members.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. Deyo offered for the consideration of the Convention a resolution, in the words following:

Resolved, That a committee of two be appointed by the Chair to wait upon the Governor and inform him that the Constitutional Convention is now organized and in session, and that the members would be pleased to call upon him and pay their respects.

which was agreed to.

Mr. President appointed as such Messrs. Deyo and Dykman.

Mr. M. Saxe offered for the consideration of the Convention a resolution, in the words following:

Resolution for holding appropriate exercises on June 15th, to commemorate the seven hundredth anniversary of the adoption of the Great Charter.

Whereas, On the 15th day of June next occurs the seven hundredth anniversary of the adoption of the Great Charter of English Liberty,

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Resolved, That this Convention commemorate said event on that day by appropriate exercises, and

Resolved, That the President be and he hereby is authorized to make the necessary arrangements therefor.

which was referred to the Committee on Rules.

Mr. C. Nicoll offered for the consideration of the Convention a resolution, in the words following:

Resolution amending Rule 15, providing for committees by subdividing the Committee on Finance and Taxation into two committees, one the Finance and one on Taxation, each to consist of seventeen members.

Resolved, That Rule 15 be amended as follows: Strike out (7) Committee on State Finance and Taxation to be composed of seventeen members" and substitute therefor (7) "Committee on Finance, to be composed of seventeen members; (8) Committee on Taxation to be composed of seventeen members."

which was referred to the Committee on Rules.

Mr. Marshall offered for the consideration of the Convention a resolution, in the words following:

Whereas, The Commission appointed pursuant to chapter 261 of the Laws of 1914, for the purpose of compiling and printing such information and data as it may deem useful for the delegates to the Constitutional Convention now in session, in their deliberation, has prepared and distributed a volume entitled "Government of the State of New York. A Description of its Organization and Functions," which relates solely to the public service of the State; and

Whereas, It is deemed desirable that a volume containing similar information and data with regard to the government of the city of New York and a description of its organization and functions, as well as of the several counties of the State, be compiled, printed and distributed among the delegates to this Convention, for use in their deliberations, at the earliest practicable day:

Resolved, That the Commission be and it is hereby requested to proceed forthwith with the collection, compilation and printing of such additional material relating to the city of New York and to the several counties of the State, so far as it is practicable to do so, provided the same shall be completed and in readiness for circulation and distribution on or before June 20, 1915, and provided further that the Legislature amend chapter 261 of the

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Laws of 1914, and chapter 201 of the Laws of 1915, so as to authorize the Commission to carry out the terms of this resolution, and shall to that end make such appropriation as may be required for that purpose, and the Legislature is respectfully requested to enact such laws as shall carry into effect the intent and purpose of this resolution.

which was agreed to.

Mr. J. L. O'Brian offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Secretary be authorized and instructed to procure a special print of the resolution adopted April 6th, relating to the Rules of this Convention, and forthwith mail a copy thereof to each member of this Convention at his residence address.

which was agreed to.

Mr. Buxbaum offered for the consideration of the Convention a resolution, in the words following:

Resolved, That this Convention invite the surviving members of the Convention of 1894, not members of this Convention, to attend the sessions of this Convention, and that the Clerk be and he is hereby directed to send an invitation to all surviving members.

which was referred to the Committee on Rules.

Mr. Deyo, from the committee appointed to wait upon the Governor, reported that they had performed that duty.

Mr. Barnes moved that when this Convention adjourn to-day, it be to meet again Monday, April 26th, at 8:30 o'clock, P. M., which was agreed to.

Mr. Unger offered for the consideration of the Convention a resolution, in the words following:

Resolved, That all further sessions be had in the Assembly Chamber at Albany, until other notice, so that the members of the Convention may make temporary living arrangements in conformity with such plan.

which was agreed to.

On motion of Mr. Schurman, the Convention adjourned.

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MONDAY, APRIL 26, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. Dr. Brooks.

On motion of Mr. Schurman the journal of Wednesday, April 7th, was approved.

Mr. O'Brian, from the Committee on Rules, submitted the following report:

To the Constitutional Convention:

Pursuant to the resolution of the Convention, adopted April 6, 1915, the Committee on Rules has considered all the amendments to the rules which have been offered in the Convention or filed with the Secretary, and the committee reports thereon as follows:

1. By Mr. C. Nicoll:

That Rule 15 be amended by separating committee No. 7 on the "State Finances, etc.," and making a separate Committee on Taxation. Upon this proposal the committee reports favorably and recommends the adoption of the following resolution:

Resolved, That Rule 15 be amended by striking out from the description of committee No. 7 on the State Finances, Revenues, Expenditures, etc., the words "and taxation," and by adding at the end of the rule the words and figures "30, on taxation, to consist of seventeen members."

2. By Mr. Root:

Resolved, That Rule 15 be amended by changing the title of committee No. 1 from "Preamble and Bill of Rights" to "Bill of Rights." Upon this the committee reports favorably and recommends the adoption of the following resolution:

Resolved, That Rule 15 be amended by striking out from the description of committee No. 1, the words "preamble and".

3. By Mr. Sheehan:

That the rules be amended so that the President and Vice-Presidents may take part in the discussions in the several committees. Upon this the committee reports favorably and recommends the adoption of the following resolution:

Resolved, That Rule 2 be amended by adding thereto the words "the President and the Vice-Presidents shall be consulting members, without vote, in the several committees to which they shall not have been specifically appointed."

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4. By Mr. Buxbaum:

That members of former constitutional conventions shall be entitled to admission to the floor of the Convention during the session thereof. Upon this the committee reports favorably and recommends the adoption of the following resolution:

Resolved, That Rule 54 be amended by inserting after subdivision 2 the following words "3. Members of former constitutional conventions," and that the remaining subdivisions of the rule be renumbered accordingly.

5. By Mr. Root:

That a new rule be made limiting the time for the introduction and reference of Proposed Amendments to the Constitution to the period ending June 1, 1915. Upon this the committee reports favorably and recommends the adoption of the following additional rule:

Rule 73. On the first day of June, 1915, the call for Proposed Constitutional Amendments by districts under Rule 3 shall be discontinued and thereafter no proposed Constitutional Amendment shall be introduced except on the report or recommendation of standing or select committee.

6. By Mr. Hale:

Addition to Rule 31. Matter which it is proposed to strike out shall be in brackets, and new matter shall be underscored and when printed shall be in italics. All proposed amendments shall be presented in duplicate. The committee reports upon this favorably and recommends its adoption.

On motion of Mr. J. L. O'Brian subdivisions one and two of the report of the Committee on Rules were agreed to and the resolutions recommended in said subdivisions one and two were adopted.

On motion of Mr. Quigg subdivisions three, four, five and six of said report were made a special order for Tuesday, April 27th, and the record of the day's proceedings was ordered printed and placed on the desks of the delegates by 10 A. M. of that day.

Mr. Quigg moved that when the Convention adjourns this day it be to meet again Tuesday, April 27th, at 11 o'clock A. M., which was agreed to.

Mr. J. S. Phillips, from the Committee on Minor Offices, submitted the following report:

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Pursuant to resolution of the Constitutional Convention, adopted April 6, 1915, your committee submits the following nominations for such officers, employees and assistants as have been declared by resolution of the Convention to be necessary and have not been heretofore elected or appointed.

Assistant secretaries, Fred W. Hammond, E. W. Moses, William K. Mansfield, Almeth W. Hoff.

Postmaster, James Underwood.

General clerks, C. Hamilton Cook, Albert E. Wellman, John L. Miller, Frank Hamer, George Henry, Charles Frieman, Charles H. Gardner, Truman C. Bossard.

Doorkeepers, Michael Kehoe, W. W. Pulver, Nathan B. Sherrill, John J. Brown.

Janitor, Major R. Poole.

Assistant janitor, Abraham Taylor.

Messengers, James Hoey, Lee V. Gardner, Walter Baynard, Victor Adams, Allen Sweet, Otto Werner, Benjamin Kaiser, Herman J. Norton, W. C. Hyde, George W. Van Hyning.

Pages, Ralph Somerville, Purcell Mattimore, Walter Burt, Harry Inglis, Harold McDonald, Wesley Ostrander, John Heffernan, James Toomey, Joseph Allen, Fred W. Walsh.

Your committee begs leave to further report that after careful study and investigation it has come to the conclusion that the clerical force above provided for is entirely inadequate for the proper and efficient conduct of the work of the Convention, and, therefore, recommends that your committee be empowered to further inquire into the matter and to submit a supplemental report as to what additional places if any should be created and the compensations therefor.

JESSE S. PHILLIPS,
FREDERICK C. TANNER,
FERRIS J. MEIGS,
HAROLD J. HINMAN,
ANDREW E. TUCK,
EDGAR M. DOUGHTY.

Mr. J. S. Phillips offered for the consideration of the Convention a resolution in the words following:

Resolved, That the report of the Committee on Minor Offices be adopted and that the committee be continued for the purposes recommended in the report.

which was agreed to.

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Mr. J. S. Phillips offered for the consideration of the Convention a resolution in the words following:

Resolved, That the following named persons be and they hereby are elected to the positions indicated below, and that their compensation, pursuant to resolution heretofore adopted, be fixed at the amounts set opposite their names respectively:

Assistant secretaries, Fred W. Hammond, $2,500.00; E. W. Moses, $2,500.00; William K. Mansfield, $2,500.00; Almeth W. Hoff, $2,500.00.

Assistant sergeant-at-arms, ..., $5.00 per day.

Postmaster, James Underwood, $6.00 per day.

General clerks, C. Hamilton Cook, $5.00 per day; Albert E. Wellman, $5.00 per day; John L. Miller, $5.00 per day; Frank Hamer, $5.00 per day; George Henry, $5.00 per day; Charles Frieman, $5.00 per day; Charles H. Gardner, $5.00 per day; Truman C. Bossard, $5.00 per day; ....., $5.00 per day.

Doorkeepers, Michael Kehoe, $5.00 per day; W. W. Pulver, $5.00 per day; Nathan B. Sherrill, $5.00 per day; John J. Brown, $5.00 per day.

Janitor, Major R. Poole, $5.00 per day.

Assistant janitor, Abraham Taylor, $5.00 per day.

Messengers, James Hoey, $3.00 per day; Lee V. Gardner, $3.00 per day; Walter Baynard, $3.00 per day; Victor Adams, $3.00 per day; Allen Sweet, $3.00 per day; Otto Werner, $3.00 per day; Benjamin Kaiser, $3.00 per day; Herman J. Norton, $3.00 per day; W. C. Hyde, $3.00 per day; George W. Van Hyning, $3.00 per day.

Pages, Ralph Somerville, $2.00 per day; Purcell Mattimore, $2.00 per day; Walter Burt, $2.00 per day; Harry Inglis, $2.00 per day; Harold McDonald, $2.00 per day; Wesley Ostrander, $2.00 per day; John Heffernan, $2.00 per day; James Toomey, $2.00 per day; Joseph Allen, $2.00 per day; Fred W. Walsh, $2.00 per day.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative, a majority of all the delegates elected to the Convention voting in favor thereof.

Mr. President announced the appointment of the following standing committees:

1. Preamble and Bill of Rights.—Mr. Marshall, Chairman; Mr. Reeves, Mr. Olcott, Mr. Schurman, Mr. Vanderlyn, Mr.

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Bunce, Mr. Curran, Mr. Morgan J. O'Brien, Mr. Weed, Mr. F. Martin, Mr. O'Connor.

2. The Legislature, its Organization, etc.— Mr. Brackett, Chairman; Mr. M. Saxe, Mr. Quigg, Mr. Lindsey, Mr. Aiken, Mr. R. B. Smith, Mr. Ford, Mr. Kirby, Mr. Linde, Mr. Buxbaum, Mr. Dennis, Mr. Tierney, Mr. A. E. Smith, Mr. Ahearn, Mr. Haffen, Mr. Bernstein, Mr. Burkan.

3. Legislative Powers.— Mr. Barnes, Chairman; Mr. Jesse Phillips, Mr. Schurman, Mr. Wadsworth, Mr. Brackett, Mr. Olcott, Mr. Tanner, Mr. Hinman, Mr. Bockes, Mr. Wheeler, Mr. Tuck, Mr. L. M. Martin, Mr. Sheehan, Mr. J. G. Saxe, Mr. Foley, Mr. A. E. Smith, Mr. Ahearn.

4. Suffrage.— Mr. Cullinan, Chairman; Mr. Stowell, Mr. Waterman, Mr. Nye, Mr. Owen, Mr. Eggleston, Mr. C. J. White, Mr. Mealy, Mr. Baumes, Mr. R. E. Weber, Mr. Williams, Mr. J. G. Saxe, Mr. Dooling, Mr. Newburger, Mr. Frank, Mr. Eisner, Mr. Kirk.

5. Governor and Other State Officers, etc.— Mr. Tanner, Chairman; Mr. Rhees, Mr. E. N. Smith, Mr. Stimson, Mr. Cullinan, Mr. Hale, Mr. Franchot, Mr. Bockes, Mr. C. Nicoll, Mr. Pelletreau, Mr. Angell, Mr. Bayes, Mr. Blauvelt, Mr. Dykman, Mr. Baldwin, Mr. F. Martin, Mr. Donnelly.

6. Judiciary.—Mr. Wickersham, Chairman; Mr. Brackett, Mr. Marshall, Mr. Gladding, Mr. Stimson, Mr. Clearwater, Mr. Rodenbeck, Mr. Dunmore, Mr. Steinbrink, Mr. C. H. Young, Mr. Sears, Mr. Cobb, Mr. Delancey Nicoll, Mr. Stanchfield, Mr. Sheehan, Mr. Dykman, Mr. Wagner.

7. State Finances, etc.— Mr. Stimson, Chairman; Mr. Hinman, Mr. Low, Mr. Pelletreau, Mr. Parsons, Mr. Lincoln, Mr. Lennox, Mr. Van Ness, Mr. Austin, Mr. Beach, Mr. Bannister, Mr. Dick, Mr. Wagner, Mr. Potter, Mr. Stanchfield, Mr. Delancey Nicoll, Mr. Slevin.

8. Cities.— Mr. Low, Chairman; Mr. John Lord O'Brian, Mr. Berri, Mr. Fobes, Mr. E. N. Smith, Mr. Latson, Mr. Green, Mr. Wiggins, Mr. Franchot, Mr. V. M. Allen, Mr. Sanders, Mr. C. Nicoll, Mr. Foley, Mr. T. F. Smith, Mr. Baldwin, Mr. Weed, Mr. Shipman.

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9. Canals.— Mr. Clinton, Chairman; Mr. Cullinan, Mr. Landreth, Mr. Tuck, Mr. Lindsay, Mr. Wiggins, Mr. R. B. Smith, Mr. Green, Mr. Fogarty, Mr. Griffin, Mr. O'Connor.

10. Public Utilities.— Mr. Hale, Chairman; Mr. Olcott, Mr. Westwood, Mr. Brenner, Mr. Mandeville, Mr. Deyo, Mr. Reeves, Mr. Nye, Mr. Sanders, Mr. Fancher, Mr. Kirby, Mr. Mathewson, Mr. McLean, Mr. Potter, Mr. Blauvelt, Mr. Foley, Mr. Dooling.

11. Counties, Towns and Villages, their Organization, Government, etc.— Mr. John Lord O'Brian, Chairman; Mr. Sharpe, Mr. Coles, Mr. F. L. Young, Mr. Quigg, Mr. Parmenter, Mr. Vanderlyn, Mr. Johnson, Mr. Heaton, Mr. Betts, Mr. Lincoln, Mr. L. M. Martin, Mr. Slevin, Mr. Donnelly, Mr. C. A. Webber, Mr. Schoonhut, Mr. Eppig.

12. County, Town and Village Officers.— Mr. Mereness, Chairman; Mr. Tuck, Mr. Ryder, Mr. Roach, Mr. Standart, Mr. Greff, Mr. Ford, Mr. Barrett, Mr. Linde, Mr. Parker, Mr. Buxbaum, Mr. Haffen, Mr. Daly, Mr. Wafer, Mr. Endres, Mr. Bernstein, Mr. J. J. White.

13. Prisons, etc., and the Prevention and Punishment of Crime.— Mr. Clearwater, Chairman; Mr. Ostrander, Mr. McKinney, Mr. Owen, Mr. Bell, Mr. Winslow, Mr. Adams, Mr. Drummond, Mr. Leitner, Mr. Daly, Mr. Harawitz.

14. Corporations.— Mr. Brenner, Chairman; Mr. Fancher, Mr. McKean, Mr. Wood, Mr. Doughty, Mr. Gladding, Mr. Bunce, Mr. Adams, Mr. Rosch, Mr. Jones, Mr. Williams, Mr. Law, Mr. Frank, Mr. Kirk, Mr. Mann, Mr. Donovan, Mr. Heyman.

15. Banking and Insurance.— Mr. Fobes, Chairman; Mr. Beach, Mr. Jesse Phillips, Mr. Wheeler, Mr. Leggett, Mr. Van Ness, Mr. McKean, Mr. Richards, Mr. Mulry, Mr. Ryan, Mr. Harawitz.

16. Militia and Military Affairs.— Mr. Latson, Chairman; Mr. Westwood, Mr. Dennis, Mr. Parker, Mr. McLean, Mr. Griffin, Mr. Byrne.

17. Education.— Mr. Schurman, Chairman; Mr. Clearwater, Mr. Vanderlyn, Mr. Sargent, Mr. S. K. Phillips, Mr. Mandeville, Mr. Ryder, Mr. Mealy, Mr. Lennox, Mr. Law, Mr. Baumes, Mr. McKinney, Mr. Shipman, Mr. Potter, Mr. Ward, Mr. J. J. White, Mr. Donovan.

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18. Charities.— Mr. Wadsworth, Chairman; Mr. Stowell, Mr. Waterman, Mr. Parmenter, Mr. Johnson, Mr. Wiggins, Mr. Doughty, Mr. Wood, Mr. Sargent, Mr. Bell, Mr. F. C. Allen, Mr. Mulry, Mr. Leitner, Mr. Drummond, Mr. T. F. Smith, Mr. Newburger, Mr. Eisner.

19. Industrial Interests and Relations. Mr. Parsons, Chairman; Mr. Low, Mr. Curran, Mr. Berri, Mr. Parmenter, Mr. Franchot, Mr. Mandeville, Mr. Eggleston, Mr. C. Nicoll, Mr. Jones, Mr. Leggett, Mr. R. E. Weber, Mr. O'Connor, Mr. A. E. Smith, Mr. Fogarty, Mr. Dahm, Mr. Unger.

20. Conservation of Natural Resources.— Mr. Dow, Chairman; Mr. E. N. Smith, Mr. Clinton, Mr. Marshall, Mr. Whipple, Mr. Rhees, Mr. Landreth, Mr. Meigs, Mr. Austin, Mr. Bannister, Mr. Angell, Mr. Dunlap, Mr. Baldwin, Mr. Morgan J. O'Brien, Mr. Leary, Mr. Blauvelt, Mr. J. G. Saxe.

21. Relations to the Indians.— Mr. Lindsay, Chairman; Mr. Whipple, Mr. Meigs, Mr. R. B. Smith, Mr. Shipman, Mr. Schoonhut, Mr. Endres.

22. Future Amendments and Revisions of the Constitution.— Mr. Hinman, Chairman; Mr. F. L. Young, Mr. Sharpe, Mr. Heaton, Mr. C. J. White, Mr. F. Martin, Mr. Ward.

23. Revision and Engrossment.— Mr. Rodenbeck, Chairman; Mr. Quigg, Mr. Ostrander, Mr. Betts, Mr. Bayes, Mr. Newburger, Mr. Leary.

24. Privileges and Elections. Mr. C. H. Young, Chairman; Mr. Brenner, Mr. Bunce, Mr. Cobb, Mr. Dunlap, Mr. F. C. Allen, Mr. Tierney, Mr. Richards, Mr. Burkan, Mr. Heyman, Mr. Byrne.

25. Printing.— Mr. Berri, Chairman; Mr. Betts, Mr. Nixon, Mr. Mereness, Mr. Beach, Mr. McLean, Mr. Dahm.

26. Contingent Expenses.— Mr. S. K. Phillips, Chairman; Mr. Fobes, Mr. Sears, Mr. Sharpe, Mr. Bell, Mr. Mulry, Mr. Dykman.

27. Rules.— Mr. John Lord O'Brian, Chairman; Mr. Hale, Mr. Barnes, Mr. Parsons, Mr. Delancey Nicoll, Mr. Sheehan, Mr. Wagner.

28. Civil Service.— Mr. Rhees, Chairman; Mr. S. K. Phillips, Mr. Wickersham, Mr. Dow, Mr. Dunmore, Mr. Deyo, Mr. Nixon, Mr. Dick, Mr. Coles, Mr. McKean, Mr. Aiken, Mr. Winslow, Mr. Weed, Mr. Richards, Mr. Unger, Mr. Eisner, Mr. Mann.

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29. Library and Information.— Mr. Jesse Phillips, Chairman; Mr. Wickersham, Mr. Rodenbeck, Mr. Wood, Mr. Morgan J. O'Brien, Mr. Stanchfield, Mr. Leitner.

30. Taxation.— Mr. Martin Saxe, Chairman; Mr. Ostrander, Mr. Steinbrink, Mr. Greff, Mr. Nixon, Mr. McKinney, Mr. Leggett, Mr. Standart, Mr. Ryder, Mr. Barrett, Mr. Mathewson, Mr. V. M. Allen, Mr. Unger, Mr. Ryan, Mr. Eppig, Mr. C. A. Webber, Mr. Wafer.

Mr. Quigg offered for the consideration of the Convention a resolution in the words following:

Resolved, That the Committee on Rules assign committee rooms to the several committees.

which was agreed to.

Mr. Sheehan offered for the consideration of the Convention a resolution in the words following:

Resolved, That we tender to our esteemed associate, Mr. Delancey Nicoll, the profound sympathy of this body at the irreparable loss he has substained by the unexpected death of his only daughter.

which was agreed to by a unanimous rising vote of the Convention.

On motion of Mr. Sheehan the Convention adjourned.

TUESDAY, APRIL 27, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. Dr. Brooks.

On motion of Mr. Wickersham the reading of the journal of Monday, April 26th, was dispensed with and the same was approved.

Mr. Parsons offered for the consideration of the Convention a resolution, in the words following:

IN THE CONSTITUTIONAL CONVENTION

RESOLUTION IN REGARD TO WOMAN SUFFRAGE

WHEREAS, There is to be submitted to the people at the general election in this year an amendment to section 1 of article II of the Constitution, which amendment provides for woman suffrage and reads as follows:

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Section 1. Resolved (if the Assembly concur), That section one of article two of the Constitution be amended to read as follows:

Section 1. Every [male] citizen of the age of twenty-one years, who shall have been a citizen for ninety days, and an inhabitant of this state one year next preceding an election, and for the last four months a resident of the county and for the last thirty days a resident of the election district in which he *or she* may offer his *or her* vote, shall be entitled to vote at such election in the election district of which he *or she* shall at the time be a resident, and not elsewhere, for all officers that now are or hereafter may be elective by the people, and upon all questions which may be submitted to the vote of the people, *provided that a citizen by marriage shall have been an inhabitant of the United States for five years; and* provided that in time of war no elector in the actual military service of the state, or of the United States, in the army or navy thereof, shall be deprived of his *or her* vote by reason of his *or her* absence from such election district; and the legislature shall have power to provide the manner in which and the time and place at which such absent electors may vote, and for the return and canvass of their votes in the election districts in which they respectively reside.

And Whereas, By virtue of section 3 of article XIV of the Constitution, any amendment proposed by this Convention relating to the same subject will if approved be deemed to supersede the foregoing amendment proposed by the Legislature and hence misunderstanding and confusion may arise,

Now, therefore, in order to avoid misunderstanding and confusion and to provide that if the people shall by a majority of the electors voting thereon approve and ratify said legislative amendment the same shall take effect, and that if they shall not approve and ratify the same woman suffrage shall not take effect, it is

Resolved (1), That the Convention do not submit any amendment relating to the subject of woman suffrage;

(2) That the Convention do not submit a complete section 1 of article II of the Constitution or any substitute therefor as part of a proposed revised Constitution; and

(3) That if the Convention shall submit any other amendment to said section 1 of article II it submit the same in such a manner that neither its approval and ratification by the people nor its failure of such approval and ratification shall affect the determinative effect of the aforesaid popular vote on the said legislative amendment.

which was referred to the Committee on Suffrage.

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Mr. S. K. Phillips offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Secretary be requested to invite the clergymen of the city of Albany in charge of parishes to open the daily sessions of this Convention with prayer.

which was agreed to.

Mr. Clearwater presented the recommendations of the New York State Bar Association, which were referred to the Committee on the Judiciary.

Mr. S. K. Phillips offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Secretary of the Convention be authorized to take over the existing telephone exchange system and employ two operators at a total expense not to exceed $6.50 per day.

which was agreed to.

Mr. S. K. Phillips offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Secretary of the Convention be authorized to contract with the Great Bear Spring Water Company for a supply of drinking water, subject to the approval of the Committee on Contingent Expenses.

Debate was had.

On motion of Mr. Brackett, said resolution was recommitted to the Committee on Contingent Expenses.

Mr. J. S. Phillips offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the following named positions be and they hereby are created and that the compensation therefor be as hereinafter stated: Financial clerk, at a salary of $1,500.00; assistant financial clerk at a salary of $10.00 per day.

And be it further Resolved, That each of such clerks shall before entering upon the duties of his office execute an official undertaking in the sum of $10,000.00.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative, a majority of all the delegates elected to the Convention voting in favor thereof.

Mr. J. S. Phillips offered for the consideration of the Convention a resolution, in the words following:

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Resolved, That the following named persons be and they hereby are elected to the positions indicated below and that their compensation pursuant to resolution heretofore adopted be fixed at the amounts set opposite their names, respectively: Fred M. Bishop, financial clerk, $1,500.00; Harry J. Henry, assistant financial clerk, $10.00 per day.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative, a majority of all the delegates elected to the Convention voting in favor thereof.

Mr. J. L. O'Brian offered for the consideration of the Convention a resolution, in the words following:

Resolved, That until further ordered the Convention meet at ten o'clock A. M. on Tuesdays, Wednesdays, Thursdays and Fridays; and that all committees have leave to sit notwithstanding the sessions of the Convention at and after eleven o'clock A. M. of each day.

which was agreed to

The Secretary called the roll of districts and the following propositions were introduced:

By Mr. Reeves: "A proposition to amend Article VI of the Constitution, in relation to a Probate Division of the Supreme Court, and the transfer of the powers and jurisdiction of the Surrogates' Courts to such Division" (Int. No. 1), which was read twice, ordered printed and referred to the Committee on the Judiciary.

Also, "A proposition to amend Article VI of the Constitution, in relation to a land division of the Supreme Court" (Int. No. 2), which was read twice, ordered printed and referred to the Committee on the Judiciary.

By Mr. White, J. J.: "A proposition to amend Section eight of Article III of the Constitution, in relation to persons disqualified from being members" (Int. No. 3), which was read twice, ordered printed and referred to the Committee on Legislative Powers.

By Mr. Saxe, J. G.: "A proposition to amend Section four of Article II of the Constitution, in respect to the enactment of election and registration laws" (Int. No. 4), which was read twice, ordered printed and referred to the Committee on Suffrage.

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By Mr. Parsons: "A proposition to amend Section six of Article I of the Constitution so as to limit the application of the provision in regard to the immunity of witnesses" (Int. No. 5), which was read twice, ordered printed and referred to the Committee on Bill of Rights.

Also, "A proposition to amend Article VII of the Constitution by adding a section to prevent the use of the proceeds of indebtedness payable in more than a year for other than capital expenditures for objects having as long a life as that of the obligation" (Int. No. 6), which was read twice, ordered printed and referred to the Committee on State Finances.

By Mr. Olcott: "A proposition to amend Section five of Article VI of the Constitution, in respect to the court of general sessions of the peace in and for the city and county of New York" (Int. No. 7), which was read twice, ordered printed and referred to the Committee on the Judiciary.

By Mr. Unger: "A proposition to amend Section ten of Article VI of the Constitution to enable judges of the Court of Appeals and justices of the Supreme Court to become candidates for public office" (Int. No. 8), which was read twice, ordered printed and referred to the Committee on the Judiciary.

By Mr. Donnelly: "A proposition to amend the Constitution by adding a section to give power to the Legislature and Governor to require opinions of the Court of Appeals" (Int. No. 9), which was read twice, ordered printed and referred to the Committee on the Judiciary.

By Mr. Young, C. H.: "A proposition to amend Section seven of Article VII of the Constitution, in relation to lands of the State now owned or hereafter acquired constituting the Forest Preserve" (Int. No. 10), which was read twice, ordered printed and referred to the Committee on Conservation of Natural Resources.

Also, "A proposition to amend Section six of Article I of the Constitution, relating to the bill of rights" (Int. No. 11), which was read twice, ordered printed and referred to the Committee on Bill of Rights.

Also, "A proposition to amend Section twenty-six of Article III of the Constitution, in relation to boards of supervisors" (Int. No. 12), which was read twice, ordered printed and re-

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ferred to the Committee on County, Town and Village Organization.

Also, "A proposition to amend Article IV of the Constitution, relating to a budget commission" (Int. No. 13), which was read twice, ordered printed, and referred to the Committee on State Finances.

Also, "A proposition to amend Section fourteen of Article VI of the Constitution, relating to the county courts, the city court of the city of New York and the court of general sessions in the county of New York" (Int. No. 14), which was read twice, ordered printed and referred to the Committee on the Judiciary.

By Mr. Brackett: "A proposition to amend Section one of Article VI of the Constitution, relating to the jurisdiction of the Supreme Court" (Int. No. 15), which was read twice, ordered printed and referred to the Committee on the Judiciary.

Also, "A proposition to amend Section six of Article I of the Constitution by adding thereto certain provisions relating to minutes of the grand jury" (Int. No. 16), which was read twice, ordered printed and referred to the Committee on Bill of Rights.

By Mr. Aiken: "A proposition to amend Section two of Article I of the Constitution to provide that an agreement of three-fourths of a jury shall constitute a verdict" (Int. No. 17), which was read twice, ordered printed and referred to the Committee on Bill of Rights.

Also, "A proposition to amend Section eighteen of Article I of the Constitution, in reference to action to recover damages for injuries resulting in death" (Int. No. 18), which was read twice, ordered printed and referred to the Committee on Bill of Rights.

Also, "A proposition to amend Article IV of the Constitution so as to provide that the Governor may attend any session of the Legislature, and also to provide for a budget" (Int. No. 19), which was read twice, ordered printed and referred to the Committee on Governor and Other State Officers.

Also, "A proposition to amend Article VI of the Constitution by providing for a nomination of judges of the Court of Appeals and justices of the Supreme Court by the chief judge of the

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Court of Appeals" (Int. No. 20), which was read twice, ordered printed and referred to the Committee on the Judiciary.

Also, "A proposition to amend Section six of Article VI of the Constitution by establishing a court of criminal appeals" (Int. No. 21), which was read twice, ordered printed and referred to the Committee on the Judiciary.

Also, "A proposition to empower the judges of the Court of Appeals and justices of the Supreme Court to adopt rules governing practice and procedure of the courts" (Int. No. 22), which was read twice, ordered printed and referred to the Committee on the Judiciary.

Also, "A proposition to amend Section nineteen of Article I of the Constitution to provide workmen's compensation for injuries or death from accident or occupational disease" (Int. No. 23), which was read twice, ordered printed, and referred to the Committee on Relations to the Indians.

By Mr. Betts: "A proposition to amend Section five of Article I of the Constitution, in relation to excessive bail, excessive fines and death penalty or unusual punishments, and the detention of witnesses" (Int. No. 24), which was read twice, ordered printed and referred to the Committee on Bill of Rights.

By Mr. Whipple: "A proposition to amend Section seven of Article VII of the Constitution, relating to the forest preserve, relating to dead timber, roads, trails and camp sites and to the Commissioner of the Conservation Commission" (Int. No. 25), which was read twice, ordered printed and referred to the Committee on Conservation.

By Mr. Sheehan: "A proposition to amend Sections two, four, seven and eight of the Judiciary Article of the Constitution" (Int. No. 26), which was read twice, ordered printed and referred to the Committee on the Judiciary.

Mr. President presented the following report of the State Printing Board:

To the Constitutional Convention:

Gentlemen: Acting in accordance with your resolution dated April 7, 1915, authorizing the State Printing Board to execute a contract for the printing of the journals, documents and proceedings of the Constitutional Convention, pursuant to the recommendation of the Committee (of the Convention) on Printing,

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in their report made April 7, 1915, we the undersigned, composing the State Printing Board, beg leave to report that on the 22d day of April, 1915, we executed the contract with J. B. Lyon Company for the printing of the journals, documents and proceedings of the Convention recommended by said Committee, as required by said resolution; that said contract is in form as recommended by the report of said committee and required by the said resolution of the Convention; that one duplicate original of said contract, executed by J. B. Lyon Company and by the State Printing Board, has been filed with the Comptroller of the State, endorsed with his approval, as required by section 16 of the Finance Law, and a duplicate original of said contract, as executed, is annexed hereto and submitted herewith, except that the exhibits appended thereto are copies of the originals of those attached to the contract filed with the Comptroller.

That, upon the execution of said contract, and bearing even date therewith, the said J. B. Lyon Company executed to the People of the State its bond in the penal sum of twenty-five thousand dollars ($25,000), with the Fidelity and Deposit Company of Baltimore, Maryland, as surety, conditioned for the faithful performance of its said contract, which bond was approved by the Comptroller, as to form, by the Attorney-General, and the same has been filed with the Comptroller, as required by law.

All of which is respectfully submitted.

Dated, April 23, 1915.

FRANCIS M. HUGO,
Secretary of State.
EUGENE M. TRAVIS,
State Comptroller.
EGBURT E. WOODBURY,
Attorney-General.

Composing the State Printing Board.

which together with the accompanying papers was ordered printed as a document.

Mr. President announced the special order, being the consideration of subdivisions three, four, five and six of the report of the Committee on Rules submitted April 26th.

Mr. J. L. O'Brian asked a division of the question.

Mr. President put the question whether the Convention would agree to subdivision three of said report, and it was determined in the affirmative.

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Mr. President put the question whether the Convention would agree to subdivision four of said report, and it was determined in the affirmative.

Mr. J. L. O'Brian moved that subdivision five of said report be laid upon the table, which was agreed to.

Mr. President put the question whether the Convention would agree to subdivision six of said report, and it was determined in the affirmative.

Mr. Quigg moved that the Secretary be instructed to order the amended rules of the Convention printed as a document, which was agreed to.

Pursuant to Rule 7 the President designated the following named persons who shall act as reporters of the public press, and who shall be admitted to the floor as such and shall be entitled to the seats designated upon a list in the hands of the Sergeant-at-Arms:

The Associated Press.....	Labert St. Clair, Mgr.
	G. R. Cozzens
The International News	Frederick T. Cardoze, Mgr.
	Samuel J. T. Coe
The United Press	Hal O'Flaherity, Mgr.
	John H. Hearly
The Knickerbocker Press	Albert E. Dale
	Thomas C. Stowell
The Albany Journal	James R. Gaylor
	W. H. Brainerd
The Albany Times-Union	Lynn A. E. Gale
The Albany Argus	Harry W. Smith
	Neil McDonald
The New York World.....	Charles S. Hand
	Fred W. Wose
The New York Herald	Don Martin
	John Stuart
The New York Tribune	Denis T. Lynch
	John C. Crary
The New York American	William Hoster
	Louis J. Lang
The New York Times	W. Axel Warn

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The New York Sun	Joseph L. McEntee
The New York Mail	Frank N. Robinson
The New York Post	Harold P. Stokes
The New York Press	Patrick T. Rellihan
The New York Globe	Frank A. Vaughan
The New York Staats-Zeitung	Franz Richter
The New York Telegraph	Edward S. Luther
	George W. Herrick
The Brooklyn Eagle	Harold J. Blackford
The Brooklyn Citizen	George M. Janvrin
The Brooklyn Standard-Union	Joseph J. Early
The Buffalo Courier	H. P. Jarvis
The Buffalo Express	Burroughs Matthews
The Troy Record	George W. Franklin
The Troy Times	Milford H. Fancher
The Utica Press	Edward C. Cuyler

Mr. M. J. O'Brien was excused from the session of the Convention for the week.

Mr. Hinman was excused for the week.

Mr. Clinton was excused from the sessions of Thursday and Friday.

Mr. Wafer was excused indefinitely on account of illness.

Mr. Delancey Nicoll was excused indefinitely.

Mr. A. J. Shipman was excused from to-day's session.

Mr. Barnes was excused for the week.

On motion of Mr. Olcott, the Convention adjourned.

WEDNESDAY, APRIL 28, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. J. Addison Jones.

On motion of Mr. Wickersham, the reading of the journal of yesterday was dispensed with and the same was approved.

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Mr. Wiggins offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Clerk of this Convention be directed to procure from the Clerk of the Court of Appeals the following information:

(1) The number of criminal appeals presented to the court during each of the past five years up to January 1, 1915.

(2) The number of cases on appeal filed with the court pursuant to subdivision 1 of section 190 of the Code of Civil Procedure during each of the past five years.

(3) The number of cases on appeal filed with the court pursuant to subdivision 2 of section 190 of the Code of Civil Procedure during each of the past five years.

(4) The number of cases on appeal filed with the court pursuant to subdivision 1 of section 191 of the Code of Civil Procedure during each of the past five years.

(5) The number of cases on appeal filed with the court in which the decision of the Appellate Division was not unanimous.

(6) The total number of cases on appeal which have been placed upon the calendar but not reached for argument on the first of January of each year during the past five years.

which was referred to the Committee on Library and Information.

Mr. J. L. O'Brian, from the Committee on Rules, submitted the following report:

The Committee on Rules reports that it has conferred with the various chairmen, and that, pursuant to the resolution of the Convention adopted April 26, 1915, it has assigned rooms to the several committees as follows:

Committees	Rooms Assigned
1. Bill of Rights	Assembly Parlor
2. Legislative Organization	329
3. Legislative Powers	342
4. Suffrage	237
5. Governor and State Officers	332
6. Judiciary	Assembly Parlor
7. State Finances	332
8. Cities	341-342
9. Canals	235
10. Public Utilities	344
11. County, Town and Village Gov't	New Assembly Library
12. County, Town and Village Officers	400-401

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Committees	Rooms Assigned
13. Prisons	225
14. Corporations	227
15. Banking and Insurance	227
16. Military Affairs	235
17. Education	329
18. Charities	400-401
19. Industrial Relations	423-424
20. Conservation	New Assembly Library
21. Relations to the Indians	233
22. Future Amendments and Revision	341
23. Revision	Court of Claims Court Room
24. Privileges and Elections	229
25. Printing	233
26. Contingent Expenses	236
27. Rules	The President's Room
28. Civil Service	344
29. Library and Information	229
30. Taxation	Offices Tax Department
Mr. Vice-President Schurman	226
Mr. Vice-President O'Brien	228

which was agreed to.

Mr. J. L. O'Brian offered for the consideration of the Convention a resolution, in the words following:

Resolved, That until further ordered the Convention meet at 12 o'clock, noon, on Tuesdays, and at 10 o'clock A. M. on Wednesdays, Thursdays and Fridays; and that notwithstanding the sessions of the Convention, all committees have leave to sit at and after 11 o'clock A. M. on each day.

Mr. Byrne moved to amend by striking out "12 o'clock, noon" and inserting "2 o'clock P. M."

Mr. President put the question whether the Convention would agree to said motion, and it was determined in the negative.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

The Secretary called the roll of districts and the following propositions were introduced:

By Mr. Steinbrink: "A proposition to amend Article I, Sec-

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tion seven of the Constitution relating to condemnation proceedings, by striking out the provision providing for appointment of commissioners in condemnation proceedings" (Int. No. 27), which was read twice, ordered printed and referred to the Committee on Bill of Rights.

By Mr. Low: "A proposition to amend the Constitution by inserting a new section on franchises in Article III (Int. No. 28), which was read twice, ordered printed and referred to the Committee on Legislative Powers.

By Mr. Olcott: "A proposition to amend Section nine of Article V of the Constitution, in relation to appointments and promotions in the Civil Service of the State so as to include honorably discharged soldiers, sailors or marines who served during the war with Spain or the Insurrection in the Philippine Islands, in the preference in the Civil Service of the State" (Int. No. 29), which was read twice, ordered printed and referred to the Committee on Civil Service.

By Mr. Richards: "A proposition to amend Article III, sections two and six of the Constitution providing for biennial sessions of the Legislature and extending the terms of office of its members and increasing their compensation" (Int. No. 30), which was read twice, ordered printed and referred to the Committee on Legislative Organization.

By Mr. Blauvelt: "A proposition to amend Article VII by adding a new section relating to highways" (Int. No. 31), which was read twice, ordered printed and referred to the Committee on Public Utilities.

By Mr. Wiggins: "A proposition to amend Article III, Section two of the Constitution, to change the term of Assemblymen from one to two years" (Int. No. 32), which was read twice, ordered printed and referred to the Committee on Legislative Organization.

By Mr. Austin: "A proposition to amend Article XIV, Section one of the Constitution, relating to future amendments to the Constitution, by providing that no such amendment shall be passed by the Legislature until it shall have been printed and upon the desks of the members, in its final form, for at least five calendar legislative days prior to its final passage" (Int.

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No. 33), which was read twice, ordered printed and referred to the Committee on Future Amendments.

By Mr. Austin: "A proposition to amend Article I of the Constitution by striking therefrom the provisions of Section thirteen of said article, relating to leases and grants of agricultural land" (Int. No. 34), which was read twice, ordered printed and referred to the Committee on Legislative Powers.

By Mr. Mereness: "A proposition to amend Section ten of Article VIII, relating to elections in counties, towns and villages" (Int. No. 35), which was read twice, ordered printed and referred to the Committee on Suffrage.

Also, "A proposition to amend Section twenty-eight of Article III, relating to granting extra compensation" (Int. No. 36), which was read twice, ordered printed and referred to the Committee on Legislative Powers.

By Mr. Smith, R. B.: "A proposition to amend Section seven of Article VII of the Constitution, in relation to the use of the forest preserve" (Int. No. 37), which was read twice, ordered printed and referred to the Committee on Conservation.

Also, "A proposition to amend Section six of Article II of the Constitution, in relation to election officers" (Int. No. 38), which was read twice, ordered printed and referred to the Committee on Suffrage.

By Mr. Lincoln: "A proposition to amend Article VI, Section thirteen of the Constitution, relative to the composition and powers of the court for the trial of impeachments" (Int. No. 39), which was read twice, ordered printed and referred to the Committee on the Judiciary.

By Mr. Austin: "A proposition to amend Article IX, Section three of the Constitution, in relation to the preservation of the capital of the common school fund and the literature fund" (Int. No. 40), which was read twice, ordered printed and referred to the Committee on State Finances.

Mr. Buxbaum moved that the Committee on Printing make inquiry and ascertain why the printing for the Convention has not been delivered as required by the contract, which was agreed to.

Mr. Williams was excused for the remainder of the week.

On motion of Mr. Wickersham, the Convention adjourned.

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THURSDAY, APRIL 29, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. J. Addison Jones.

On motion of Mr. Wickersham, the reading of the journal of yesterday was dispensed with and the same was approved.

Mr. Buxbaum offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Minor Officers, etc., recommend to this Convention the employment of ten general stenographers and suggest their names, to render all necessary services to the delegates in their correspondence, preparation of resolutions, petitions and proposed amendments.

which was referred to the Committee on Nominations for Minor Officers, etc.

The Secretary called the roll of districts and the following propositions were introduced:

By Mr. McKinney: "A proposition to amend Article III, Section one of the Constitution by providing for a unicameral Legislature" (Int. No. 41), which was read twice, ordered printed and referred to the Committee on Legislative Organization.

By Mr. Steinbrink: "A proposition to amend Article II, Section four of the Constitution so as to provide for absentee voting" (Int. No. 342), which was read twice, ordered printed and referred to the Committee on Suffrage.

By Mr. Brenner: "A proposition to amend article I of the Constitution, providing that in civil cases, jurors shall be six in number instead of common law jury of twelve" (Int. No. 43), which was read twice, ordered printed and referred to the Committe on Bill of Rights.

Also, "A proposition to amend Section eighteen of Article III of the Constitution, in regard to the appointment of commissioners of jurors" (Int. No. 44), which was read twice, ordered printed and referred to the Committee on the Judiciary.

By Mr. Bayes: "A proposition to amend Section two of Article I of the Constitution of the State of New York relating

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to trial by jury" (Int. No. 45), which was read twice, ordered printed and referred to the Committee on Bill of Rights.

By Mr. Griffin: "A proposition to amend Article I of the Constitution by adding a new section in relation to requiring uniformity in valuation of property for purposes of taxation" (Int. No. 46), which was read twice, ordered printed and referred to the Committee on State Finance.

Also, "A proposition to amend Section two of Article III of the Constitution, extending the terms of Senators and Assemblymen to four and two years, respectively" (Int. No. 47), which was read twice, ordered printed and referred to the Committee on Legislative Organization.

Also, "A proposition to amend Section six of Article III of the Constitution, increasing the salaries of Senators and Assemblymen" (Int. No. 48), which was read twice, ordered printed and referred to the Committee on Legislative Organization.

Also, "A proposition to amend Section one of Article IV of the Constitution, extending the term of the Governor from two to four years" (Int. No. 49), which was read twice, ordered printed and referred to the Committee on Governor and State Officers.

Also, "A proposition to amend Section four of Article IV of the Constitution, increasing the salary of the Governor" (Int. No. 50), which was read twice, ordered printed and referred to the Committee on Governor and State Officers.

By Mr. Wiggins: "A proposition to amend Article II of Section one of the Constitution to change the length of residence of a voter in a county from four months to thirty days" (Int. No. 51), which was read twice, ordered printed and referred to the Committee on Suffrage.

By Mr. Dunmore: "A proposition to amend Section one of Article XIV of the Constitution" (Int. No. 52), which was read twice, ordered printed and referred to the Committee on Future Amendments.

Also, "A proposition to amend Section nine of Article V of the State Constitution" (Int. No. 53), which was read twice, ordered printed and referred to the Committee on Civil Service.

By Mr. Ray B. Smith: "A proposition to amend Article III, Section eighteen of the Constitution, in relation to the power of

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the Legislature to pass private or local bills" (Int. No. 54), which was read twice, ordered printed and referred to the Committee on Legislative Powers.

Also, "A proposition to amend Article I of the Constitution, in relation to the public uses for which private property may be taken; and the assessment of damages sustained in certain cases" (Int. No. 55), which was read twice, ordered printed and referred to the Committee on Bill of Rights.

Also, "A proposition to amend Article VI of the Constitution, in relation to a Court of Claims" (Int. No. 56), which was read twice, ordered printed and referred to the Committee on the Judiciary.

By Mr. Kirby: "A proposition to amend Article X of Section one of the Constitution, relating to the office of sheriff and removing the disability of succession" (Int. No. 57), which was read twice, ordered printed and referred to the Committee on County, Town and Village Government.

By Mr. Buxbaum: "A proposition to amend Article III of the Constitution, in relation to the restriction of legislative powers" (Int. No. 58), which was read twice, ordered printed and referred to the Committee on Legislative Powers.

Also, "A proposition to amend Section six, Article I of the Constitution, in relation to imprisonment in civil actions except in certain cases" (Int. No. 59), which was read twice, ordered printed and referred to the Committee on the Judiciary.

Mr. Brackett moved that the Committee on the Judiciary report to the Convention a rule providing for the organization of a department for the drafting of proposed constitutional amendments, which was agreed to.

Mr. Parsons moved his resolution in regard to suffrage introduced April 27th and referred to the Committee on Suffrage be printed as a document, which was agreed to.

Mr. Wickersham moved that when the Convention adjourns today it be to meet again Tuesday, May 4th, at twelve o'clock, noon.

Debate was had thereon.

Mr. President put the question whether the Convention would agree to said motion, and it was determined in the affirmative.

On motion of Mr. Wickersham, the Convention adjourned.

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TUESDAY MAY 4, 1915

The Convention met pursuant to adjournment, Mr. President in the Chair.

Prayer by Rev. J. Addison Jones.

On motion of Mr. Wickersham, the reading of the journal of Thursday, April 29th, was dispensed with and the same was approved.

Mr. Berri offered for the consideration of the Convention a resolution, in the words following:

Resolved, That five hundred additional copies of Document No. 1 be printed for the use of the Convention.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. Steinbrink offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Secretary of this Convention ascertain from the officer having custody of the records, the names, ages and previous judicial services of the official referees acting as such in the First and Second Departments, the salaries paid to each and what public expense, if any, there is in connection with the conduct of their office and the number of actions or proceedings heard and disposed of by each of them; and further

Resolved, That such information be obtained whether it applies to former justices of the Supreme Court or to former municipal court judges, and also the names, ages and previous judicial services of the city court judges eligible to appointment as official referees under the recent act of the Legislature.

which was referred to the Committee on Library and Information with instructions to confer with the Judiciary Committee.

Mr. Parsons offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Secretary of State be, and he hereby is, requested to submit to the Convention copies of all proposed amendments to the Constitution which the Legislature has submitted to the people for approval at the regular election this year, and that the same, when received, be printed as a document.

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Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. Stimson offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Governor and State Officers be discharged from the further consideration of proposed Amendment (No. 19, Int. No. 19), entitled "Proposed constitutional amendment to amend Article IV of the Constitution so as to provide that the Governor may attend any session of the Legislature, and also to provide for a budget," and that the same be referred to the Committee on State Finance.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. Stimson offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on State Finance be discharged from the further consideration of proposed Amendment (No. 46, Int. No. 46), entitled "Proposed constitutional amendment to amend Article I of the Constitution by adding a new section, in relation to requiring uniformity in valuation of property for purposes of taxation," and that the same be referred to the Committee on Taxation.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. Mereness offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on County, Town and Village Government be discharged from the further consideration of proposed Amendment (No. 57, Int. No. 57), entitled "Proposed constitutional amendment to amend Section one, Article X of the Constitution," and that the same be referred to the Committee on County, Town and Village Officers.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. Dick offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Secretary of this Convention be, and he hereby is, directed to cause a printed copy of each proposed amendment to the Constitution which has been introduced into

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this body to be sent immediately to each New York State Law Library and a printed copy of each of such proposed amendments as hereafter may be introduced into this body to each of such libraries as soon as such proposed amendments shall have been printed, respectively.

On motion of Mr. Wickersham, said resolution was ordered laid upon the table.

Mr. Westwood offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Commissioner of Highways be requested to report to this Convention as soon as practicable:

1. The amount of money actually obtained by each of the counties of the State from the first fifty million dollar highway bond issue.

2. The amount of money allotted to each of the counties of the State based on mileage, area and population from the second fifty million dollar highway bond issue.

3. As to each of the counties of the State the amounts of excess or deficiencies in the allotment of the second fifty million dollar issue compared with the amounts received from the first fifty million dollar issue.

which was referred to the Committee on Public Utilities.

The Secretary called the roll of districts and the following propositions were introduced:

By Mr. Coles: "A proposition to amend Article X of the Constitution, relating to the powers and duties of county clerks and registers, in reference to the registration of land titles" (Int. No. 60), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Frank: "A proposition to amend Article VI, Section fourteen of the Constitution, relating to county courts" (Int. No. 61), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Adams: "A proposition to amend Section fourteen of Article VI of the Constitution, in respect to the county court in and for the county of Kings" (Int. No. 62), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Buxbaum: "A proposition to amend Article XIII of the Constitution, in relation to bribery, corruption and fraud"

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(Int. No. 63), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Steinbrink: "A proposition to amend Section four of Article VI to provide a method for the retention in office of competent justices of the Supreme Court who have served a full term" (Int. No. 64), which was read twice, ordered printed and referred to the Committee on Judiciary.

Also, "A proposition to amend Section one of Article VI, in relation to striking out the legislative power to increase the number of Supreme Court justices" (Int. No. 65), which was read twice, ordered printed and referred to the Committee on Judiciary.

Also, "A proposition to amend Section twelve of Article VI, to fix and make uniform the compensation paid to justices of the Supreme Court" (Int. No. 66), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Linde: "A proposition to amend Section one of Article IX of the Constitution, relating to education" (Int. No. 67), which was read twice, ordered printed and referred to the Committee on Education.

By Mr. Wagner: "A proposition to amend Article XII of the Constitution, guaranteeing to cities and incorporated villages the right of municipal self-government and restricting the power of the Legislature to the enactment of general laws in reference thereto" (Int. No. 68), which was read twice, ordered printed and referred to the Committee on Cities.

By Mr. Griffin: "A proposition to amend Article III by adding a new section in relation to the political year and the term of the Legislature" (Int. No. 69), which was read twice, ordered printed and referred to the Committee on Legislative Powers.

Also, "A proposition to amend Article III by adding a new section prohibiting the passage of laws granting to private persons, associations or corporations the right to prosecute, enforce or collect fines and penalties" (Int. No. 70), which was read twice, ordered printed and referred to the Committee on Legislative Powers.

By Mr. C. H. Young: "A proposition to amend Section seven of Article VII of the State Constitution, relating to the Conserva-

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tion of natural resources" (Int. No. 71), which was read twice, ordered printed and referred to the Committee on Conservation.

By Mr. Barrett: "A proposition to amend Article VI, Section eighteen, in relation to the establishment of inferior courts" (Int. No. 72), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Wiggins: "A proposition to amend Article V, Section one of the Constitution, in relation to election of State officers" (Int. No. 73), which was read twice, ordered printed and referred to the Committee on Governor and State Officers.

Also, "A proposition to amend Article IV, Section two of the Constitution, in relation to Governor and Lieutenant-Governor" (Int. No. 74), which was read twice, ordered printed and referred to the Committee on Suffrage.

Also, "A proposition to amend Article V, Section two of the Constitution, in relation to election of State officers" (Int. No. 75), which was read twice, ordered printed and referred to the Committee on Governor and State Officers.

By Mr. Quigg: "A proposition to amend Section six of Article I of the Constitution so as to limit the application of the provision in regard to the immunity of witnesses" (Int. No. 76), which was read twice, ordered printed and referred to the Committee on Bill of Rights.

By Mr. S. K. Phillips: "A proposition to amend Section nine of Article IV of the Constitution, in relation to the civil service" (Int. No. 77), which was read twice, ordered printed and referred to the Committee on Civil Service.

By Mr. Austin: "A proposition to amend Article III, Section fifteen of the Constitution, relative to the passage of bills by the Legislature, by striking out the authorization for the passage of bills under emergency messages from the Governor" (Int. No. 78), which was read twice, ordered printed and referred to the Committee on Legislative Powers.

Also, "A proposition to amend Article III, Section twenty-one of the Constitution, relative to the time within which payments may be made from appropriations, and limiting reappropriations to the object for which the original appropriation was made" (Int. No. 79), which was read twice, ordered printed and referred to the Committee on State Finances.

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By Mr. Brackett: "A proposition to amend Article V of the Constitution by adding a new section thereto relating to the Superintendent of Insurance" (Int. No. 80), which was read twice, ordered printed and referred to the Committee on Governor and State Officers.

Also, "A proposition to amend Section three of Article V of the Constitution, relating to the Superintendent of Public Works" (Int. No. 81), which was read twice, ordered printed and referred to the Committee on Governor and State Officers.

Also, "A proposition to amend the Constitution by adding thereto a section, in relation to a board of pardon and parole" (Int. No. 82), which was read twice, ordered printed and referred to the Committee on Governor and State Officers.

Also, "A proposition to amend Section four of Article V, relating to Superintendent of State Prisons" (Int. No. 83), which was read twice, ordered printed and referred to the Committee on Governor and State Officers.

By Mr. E. N. Smith: "A proposition to amend Section seven of Article VII of the Constitution, in reference to the use and increase of the Forest Preserve" (Int. No. 84), which was read twice, ordered printed and referred to the Committee on Conservation.

Also, "A proposition to amend Section one of Article V of the Constitution, in respect to State officers and the selection thereof" (Int. No. 85), which was read twice, ordered printed and referred to the Committee on Governor and State Officers.

Also, "A proposition to amend Section two of Article V of the Constitution, in relation to the duties and powers of State officers, and creating administrative departments" (Int. No. 86), which was read twice, ordered printed and referred to the Committee on Governor and State Officers.

Also, "A proposition to amend Section one of Article IV of the Constitution by increasing the term of office of the Governor" (Int. No. 87), which was read twice, ordered printed and referred to the Committee on Governor and State Officers.

By Mr. Leggett: "A proposition to amend Section one of Article XIII of the Constitution, relating to the official oath" (Int. No. 88), which was read twice, ordered printed and referred to the Committee on Legislative Organization.

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By Mr. Kirby: "A proposition to amend Section nine of Article X, abolishing fees or perquisites of all State and county officers" (Int. No. 89), which was read twice, ordered printed and referred to the Committee on County, Town and Village Officers.

Also, "A proposition to amend Section two of Article VIII, relating to the documents, records and papers of the State Board of Charities connected with the visitation and inspection of certain institutions, and making the same public records" (Int. No. 90), which was read twice, ordered printed and referred to the Committee on Charities.

By Mr. Nixon: "A proposition to amend Article II, Section one, providing privilege of suffrage for absent voters" (Int. No. 91), which was read twice, ordered printed and referred to the Committee on Suffrage.

Also, "A proposition to amend Article III by inserting a new section providing for the abolition of tax exemptions" (Int. No. 92), which was read twice, ordered printed and referred to the Committee on Taxation.

By Mr. Standart: "A proposition to amend Article III, Sections two and six, extending the terms of office of members of the Legislature, providing for biennial sessions thereof and increasing the compensation of members thereof" (Int. No. 93), which was read twice, ordered printed and referred to the Committee on Legislative Organization.

Also, "A proposition to amend Article XIV, Section one, relating to future amendments" (Int. No. 94), which was read twice, ordered printed and referred to the Committee on Future Amendments.

By Mr. Westwood: "A proposition to amend Section one of Article I of the Constitution by providing that suits may be brought against the State as against an individual" (Int. No. 95), which was read twice, ordered printed and referred to the Committee on Judiciary.

Mr. J. L. O'Brian, from the Committee on Rules, submitted the following:

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JOINT REPORT OF THE COMMITTEE ON RULES, THE COMMITTEE ON MINOR OFFICES AND THE COMMITTEE ON CONTINGENT EXPENSES.

In order that the delegates may have adequate stenographic service your Committees recommend that the Convention employ twelve additional stenographers at a salary of not more than four dollars a day each, to do official stenographic work for the delegates and such other work as may be assigned to them by the official stenographer.

And your Committees further recommend that the Convention employ for each of the Vice-Presidents of the Convention a secretary at a salary of not more than ten dollars a day each.

And your Committees further recommend that arrangements be made so that letters and other communications in relation to the official business of the Convention be forwarded prepaid at the expense of the Convention, and recommend the following practice:

That letters and other communications relating to the official business of the Convention be delivered by the delegates to the Postmaster of the Convention, who shall place the necessary postage stamps thereon, and shall also cause the same to be marked "Official Business, State of New York," and to carry out these recommendations your Committees recommend the following resolutions:

Resolved, That the Convention employ twelve additional stenographers to be designated by the official stenographer, at a salary of not more than four dollars a day each, to do the official stenographic work of the delegates, and such other work as shall be assigned to them by the official stenographer of the Convention.

And Resolved, That the Convention employ for each of the Vice-Presidents of the Convention a secretary, at a salary of not more than ten dollars a day each.

And Resolved, That there be appropriated five hundred dollars for the purchase of postage stamps, for the use of the Postmaster of the Convention, in prepaying the postage upon official letters and communications delivered to him by any of the delegates, the Postmaster, however, causing all such letters and communications to be marked "Official Business, State of New York."

JOHN LORD O'BRIAN,
Chairman of the Committee on Rules,
JESSE S. PHILLIPS,
Chairman of the Committee on Minor Offices,
S. K. PHILLIPS,
Chairman of the Committee on Contingent Expenses.

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Mr. President put the question whether the Convention would agree to said report, and the resolutions therein set forth, and it was determined in the affirmative.

Mr. Wickersham, from the Committee on Judiciary, submitted the following report:

The Committee on Judiciary reports the following resolution, and recommends its adoption:

Resolved, That the Committee on Revision and Engrossment be authorized and directed to employ an expert parliamentary draughtsman to assist members and committees in the preparation and formulation of resolutions and proposed amendments to the Constitution, under such regulations as from time to time may be adopted by the said Committee.

which report was agreed to and the resolution adopted.

The Secretary announced the designation of Assistant Secretary Fred W. Hammond as his Deputy for the signing of official papers and certifications of the Convention.

Mr. Barnes was excused from the sessions of the week.

On motion of Mr. Wickersham, the Convention adjourned.

WEDNESDAY, MAY 5, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Mr. President.

On motion of Mr. Wickersham, the reading of the journal of yesterday was dispensed with and the same was approved.

Mr. Marshall offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Clerk of the Court of Appeals be requested to examine the records of all cases argued in the Court of Appeals during the year 1913 and 1914, respectively, whether the same be reported in full or in memorandum, and to report with all convenient speed with respect to each of said years separately, the following facts:

1. As to the general subject matter of said causes.
2. As to the number of cases involving questions of constitutional law.

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3. As to the number of cases involving the interpretation of general statutes of this State and of the United States.

4. As to the number of cases involving questions of criminal law.

5. As to the number of cases involving the interpretation of municipal charters.

6. As to the number of cases involving the interpretation of wills.

7. As to the number of cases in which appeals were allowed by the several Appellate Divisions, pursuant to Section 190 of the Code of Civil Procedure.

8. As to the number of cases in which appeals were allowed by the several Appellate Divisions, pursuant to Subdivision 2 of Section 191 of the Code of Civil Procedure.

9. As to the number of cases in which appeals were allowed by a judge of the Court of Appeals pursuant to Subdivision 2 of Section 191 of the Code of Civil Procedure.

which was referred to the Committee on Library and Information.

Mr. S. K. Phillips offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the official stenographer be allowed and paid for furnishing two transcripts of his notes, one to the Secretary and the other to the printer for the Record, twenty-five cents per folio of one hundred words.

Documents handed up to the desk for the Record shall be included. Stationery to be furnished by the State.

Said resolution giving rise to debate, ordered that the same be laid upon the table.

Mr. Wagner offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the State Comptroller be requested to transmit to this Convention a statement showing the amount and term of all bonds issued under the provisions of Article VII of the Constitution and now outstanding; also the amount in each sinking fund for the redemption of such bonds, together with the amount which should be in each sinking fund if such fund was maintained on a three per cent amortization basis.

Said resolution giving rise to debate, ordered that the same be laid upon the table.

Mr. J. L. O'Brian offered for the consideration of the Convention a resolution, in the words following:

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Resolved, That the following named persons be employed by this Convention as clerks and stenographers for the respective committees hereinafter named, at the compensation set opposite their names:

Committee on Cities — Clerk, Thomas C. Eiper, $10 per day. Stenographer, I. M. Coonley, $5 per day.

Committee on Judiciary — Clerk, A. Perry Osborn, $10 per day.

Committee on Governor and Other State Officers — Clerk, Walter T. Arndt, $10 per day. Stenographer, Katherine Cullen, $5 per day.

Committee on Taxation — Clerk, Achille H. Bloch, $7 per day. Stenographer, Mary E. Cummings, $5 per day.

Committee on Finance — Stenographer, Mabel Pearson, $5 per day.

Committee on Industrial Relations — Clerk, Benjamin M. Day, $10 per day. Stenographer, Sarah Piloff, $5 per day.

Committee on County, Town and Village Government — Clerk, Washington Russell, $10 per day. Stenographer, Joseph Downey, $5 per day.

Committee on Conservation — Clerk, E. H. Hall, $10 per day. Stenographer, Bertha G. Frost, $5 per day.

For the two Committees on Canals and Militia — Clerk, William F. Schottin, $7 per day. Stenographer, Lillian Temple, $5 per day.

For the two Committees on Public Utilities and Civil Service — Clerk, Homer M. Wallace, $7 per day. Stenographer, Walter F. Berry, $5 per day.

For the two Committees on Legislative Powers and Education — Clerk, George D. Sterritt, $10 per day.

For the two Committees on Corporations and Banking — Clerk, W. Paul Eddy, $7 per day.

For the two Committees on Privileges and Elections and Library — Clerk, W. S. Coffey, $7 per day. Stenographer, William D. Fuller, $5 per day.

For the two Committees on Contingent Expenses and Prisons — Clerk, Cornelius Shufelt, $10 per day. Stenographer, George W. Munson, $5 per day.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative, a majority of all the delegates elected to the Convention voting in favor thereof.

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Mr. J. L. O'Brian presented the following announcement:

Pursuant to resolution heretofore adopted authorizing and directing the official stenographer to designate twelve general stenographers for the use of the Convention, I hereby designate the following: Gertrude Powers, James S. Clair, Lena Christenson, Mabel Jameson, Alice A. Ladd, Elsie Truax, Helen M. Myers, Helen Dittrich, Freda Dunger, Rena Collins, Edna M. Gould and Frances Dulin.

JOHN K. MARSHALL,
Official Stenographer, Constitutional Convention.

Mr. J. L. O'Brian offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Convention employ as general stenographers the persons named in the communication of the official stenographer, at a per diem compensation of $4 each.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative, a majority of all the delegates elected to the Convention voting in favor thereof.

Mr. J. L. O'Brian offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Secretary be directed to notify forthwith the Superintendent of Public Buildings that this Convention requires for its use the following rooms in the Capitol, viz.: Assembly Chamber, Senate Chamber, Assembly Parlor, New Assembly Library, Speaker's Room, Assembly Clerk's Rooms, Post-office and Locker Room, and Rooms Nos. 226, 227, 228, 229, 232, 233, 235, 236, 237, 239, 332, 341, 342, 344, 345, 346, 400, 401, 423 and 424.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. J. S. Phillips, from the Committee on Minor Offices, submits the following supplemental report:

Resolved, That the following positions be, and they are hereby, created, and that the compensation therefor be as hereinafter stated: A journal clerk at a salary of $2,000. An index clerk at a salary of $1,500. An assistant postmaster at $5 per day. A mail and document carrier at $5 per day. A superintendent of documents at $5 per day. An assistant superintendent of documents at $5 per day. A stationery clerk at $5 per day. A

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tally clerk at $5 per day. A doorkeeper at $5 per day. A doorkeeper at $5 per day. A doorkeeper at $5 per day. A chief of general clerks at $10 per day. A stenographer to the Secretary of the Convention at $5 per day.

which report was agreed to.

Mr. J. S. Phillips offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the following named persons be, and they are hereby, elected to the positions indicated below, and that the compensation, pursuant to resolution heretofore adopted, be fixed at the amount set opposite their names, respectively:

Position	Name	Compensation
Journal Clerk	A. Miner Wellman	$2,000
Index Clerk	Roscoe C. Derrick	1,500
		Per day
Tally Clerk	Herbert T. Reed	$5 00
Assistant Postmaster	C. B. Wood	5 00
Mail and Document Carrier	P. J. Hendricks	5 00
Superintendent of Documents	Benjamin W. Loring	5 00
Asst. Supt. of Documents	John S. Patterson	5 00
Stationery Clerk	Frank J. Schumm	5 00
Doorkeeper	Patrick J. Calnon	5 00
Doorkeeper	W. B. Clark	5 00
Chief of General Clerks	A. C. Brink	10 00
Stenographer to Secretary	Alice D. Wilklow	5 00

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative, a majority of all the delegates elected to the Convention voting in favor thereof.

The Secretary called the roll of districts and the following propositions were introduced:

By Mr. Latson: "A proposition to amend Section six of Article III of the Constitution, in relation to the compensation of members of the Legislature" (Int. No. 96), which was read twice, ordered printed and referred to the Committee on Legislative Organization.

Also, "A proposition to amend Section seven of Article I of the Constitution, in relation to compensation for taking private property" (Int. No. 97), which was read twice, ordered printed and referred to the Committee on Bill of Rights.

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By Mr. Foley: "A proposition to amend Article V of the Constitution by adding a new section thereto in relation to Public Service Commissions for the first and second districts" (Int. No. 98), which was read twice, ordered printed and referred to the Committee on Public Utilities.

By Mr. Wagner: "A proposition to amend Section twelve of Article VII of the Constitution, relating to improvement of highways" (Int. No. 99), which was read twice, ordered printed and referred to the Committee on State Finance.

Also, "A proposition to amend Section four of Article VII of the Constitution, limiting the power of the Legislature to create debts" (Int. No. 100), which was read twice, ordered printed and referred to the Committee on State Finance.

By Mr. Eisner: "A proposition to amend Article I, Section eight, in relation to liberty of the motion picture screen" (Int. No. 101), which was read twice, ordered printed and referred to the Committee on Bill of Rights.

By Mr. Unger: "A proposition to amend the Constitution by creating and maintaining a free public college and university for the graduates of the State's common schools" (Int. No. 102), which was read twice, ordered printed and referred to the Committee on Education.

By Mr. Vanderlyn: "A proposition to amend Section one of Article IX of the Constitution, in relation to the maintenance and support of a system of free common schools" (Int. No. 103), which was read twice, ordered printed and referred to the Committee on Education.

By Mr. Tierney: "A proposition to amend Section twenty of Article VI of the Constitution, to prohibit judges of courts of record from practicing law" (Int. No. 104), which was read twice, ordered printed and referred to the Committee on Judiciary.

Also, "A proposition to amend Section four of Article II of the Constitution, in relation to the enactment of election and registration laws" (Int. No. 105), which was read twice, ordered printed and referred to the Committee on Suffrage.

By Mr. E. N. Smith: "A proposition to amend Section eighteen of Article VI of the Constitution by increasing the jurisdiction of inferior local courts" (Int. No. 106), which was read twice, ordered printed and referred to the Committee on Judiciary.

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By Mr. Bockes: "A proposition to amend Article VI, Section eighteen, in relation to inferior local courts by increasing territorial jurisdiction" (Int. No. 107), which was read twice, ordered printed and referred to the Committee on Judiciary.

Also, "A proposition to amend Article VIII, Section ten, in relation to counties, cities, towns and villages, by permitting gifts of stocks and bonds" (Int. No. 108), which was read twice, ordered printed and referred to the Committee on County, Town and Village Government.

Also, "A proposition to amend Article V, Section one, in relation to State officers, by providing for the election of a Commissioner of Agriculture, and longer terms for State officers" (Int. No. 109), which was read twice, ordered printed and referred to the Committee on Governor and State Officers.

Also, "A proposition to amend Article V by repealing Section two, in relation to time of election of State officers" (Int. No. 110), which was read twice, ordered printed and referred to the Committee on Governor and State Officers.

By Mr. R. B. Smith: "A proposition to amend Article X, Section three, in relation to duration of terms of office of certain State officers" (Int. No. 111), which was read twice, ordered printed and referred to the Committee on Governor and State Officers.

Also, "A proposition to amend Article III, Section fifteen, in relation to the manner of passing bills" (Int. No. 112), which was read twice, ordered printed and referred to the Committee on Legislative Powers.

Also, "A proposition to amend Article II, Section five, in relation to manner of voting" (Int. No. 113), which was read twice, ordered printed and referred to the Committee on Suffrage.

By Mr. Kirby: "A proposition to amend Article VI, Section seventeen, conferring the judicial functions of justices of the peace in the towns of the State on masters of the county court" (Int. No. 114), which was read twice, ordered printed and referred to the Committee on Judiciary.

Also, "A proposition to amend Article III, Section twenty-six, relative to board of supervisors, limiting their powers and conferring upon a county comptroller the right heretofore exercised by

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boards of supervisors in purchasing supplies and auditing bills for same" (Int. No. 115), which was read twice, ordered printed and referred to the Committee on County, Town and Village Government.

By Mr. Westwood: "A proposition to amend Section two of Article I of the Constitution by permitting five-sixths of a jury to render a verdict and by permitting defendants in criminal prosecutions to waive a jury" (Int. No. 116), which was read twice, ordered printed and referred to the Committee on Bill of Rights.

On motion of Mr. Wickersham the Convention adjourned.

THURSDAY, MAY 6, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. J. Addison Jones.

On motion of Mr. Wickersham, the reading of the journal of yesterday was dispensed with and the same was approved.

Mr. President presented the resolution of the Board of Supervisors of Wyoming county, in relation to the division of the proceeds of the good roads bonds, which was referred to the Committee on the State Finances, Revenues and Expenditures.

Also, the resolutions of Board of Aldermen of the City of New York, in regard to home rule, which were referred to the Committee on Cities.

Also, the communication of Secretary C. C. Andrews of Minnesota State Forestry Board, which was referred to the Committee on Civil Service.

Also, the communication of Mr. George P. Decker, which was referred to the Committee on Relations to the Indians.

Also, the communication of Louis F. Haffen, which was referred to the Committee on Counties, Towns and Villages, their Organization, Government, etc.

Also, the communication of Clarence True, which was referred to the Committee on Industrial Interests and Relations.

Mr. Wiggins offered for the consideration of the Convention a resolution, in the words following:

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Resolved, That the Secretary of this Convention procure as speedily as possible from the Secretary of State of each State of the Union or from such other sources as shall be most convenient a record of the number of State officers appearing upon the ballot in each State at the general election for State officers.

which was referred to the Committee on Library and Information.

Mr. Landreth offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the committees now having under consideration the question of furnishing to libraries and institutions in the State, copies of some or all of the publications daily issued by the Convention, be also requested to consider the question of furnishing with such copies of the publications, sets of binders for them, to the end that these publications may be made more readily and permanently accessible for reference by the people of the State.

which was referred to the Committee on Contingent Expenses.

Mr. Wickersham offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Secretary of the Convention cause to be printed as a document for the use of the members of the Convention one thousand (1,000) copies of the Constitution of the State precisely as the same was submitted to and approved by the people in 1894, and of all amendments thereto precisely as such amendments respectively were submitted to and approved and ratified by the people.

The President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. Wickersham offered for the consideration of the Convention a resolution, in the words following:

Resolved, That hereafter the Convention dispense with the reading of the journal, and that amendments thereto may be made on the legislative day following that on which the printed journal is placed on the desks of the members.

which was agreed to.

The Secretary called the roll of districts and the following propositions were introduced:

By Mr. Latson: "A proposition to amend Section six of Article I of the Constitution, in relation to arrest or imprisonment in civil actions or proceedings" (Int. No. 117), which was read twice, ordered printed and referred to the Committee on Judiciary.

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By Mr. Bayes: "A proposition to amend Article I of the Constitution, by providing for the abolition of capital punishment" (Int. No. 118), which was read twice, ordered printed and referred to the Committee on Bill of Rights.

By Mr. Newburger: "A proposition to amend Article VI of the Constitution, creating a new court to be known as the 'Land Registration Court'" (Int. No. 119), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Baldwin: "A proposition to amend Section fifteen of Article III of the Constitution, in relation to the enactment of laws levying direct State taxes" (Int. No. 120), which was read twice, ordered printed and referred to the Committee on Taxation.

Also, "A proposition to amend Article VII, Section seven, by adding a new subsection, in relation to the creation of a fish and game commission" (Int. No. 121), which was read twice, ordered printed and referred to the Committee on Governor and Other State Officers.

By Mr. Marshall: "A proposition to amend Section three of Article VIII of the Constitution, relative to cumulative voting by shareholders of stock corporations at all corporate elections" (Int. No. 122), which was read twice, ordered printed and referred to the Committee on Corporations.

By Mr. C. Nicoll: "A proposition to amend Article VI, Section one, by providing for the appointment of justices of the Supreme Court by the Governor by and with the advice and consent of the Senate instead of their election" (Int. No. 123), which was read twice, ordered printed and referred to the Committee on Judiciary.

Also, "A proposition to amend Article VI, Section four, in relation to the official terms of the justices of the Supreme Court" (Int. No. 124), which was read twice, ordered printed and referred to the Committee on Judiciary.

Also, "A proposition to amend Article V, Section one, by providing for the appointment of State officers by the Governor by and with the advice and consent of the Senate" (Int. No. 125), which was read twice, ordered printed and referred to the Committee on Governor and Other State Officers, etc.

By Mr. Wagner: "A proposition to amend Section one of Article VII of the Constitution, in relation to exempting the State

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from taxation" (Int. No. 126), which was read twice, ordered printed and referred to the Committee on Taxation.

By Mr. Wiggins: "A proposition to amend Article II, Section four, to authorize the Legislature to enact laws, authorizing the registration of commercial men or other voters who shall have been absent from their registration districts on the days provided for personal registration" (Int. No. 127), which was read twice, ordered printed and referred to the Committee on Suffrage.

By Mr. Austin: "A proposition to amend Article VII, Section seven of the Constitution, relative to the lands constituting the Forest Preserve" (Int. No. 128), which was read twice, ordered printed and referred to the Committee on Conservation of Natural Resources.

Also, "A proposition to amend Article V of the Constitution, by adding thereto a new section providing for the appointment of a Conservation Commissioner, and prescribing his duties" (Int. No. 129), which was read twice, ordered printed and referred to the Committee on Conservation of Natural Resources.

By Mr. R. B. Smith: "A proposition to amend Article III of the Constitution, in relation to eligibility, acceptance of appointments and disqualifications of members of the Legislature" (Int. No. 130), which was read twice, ordered printed and referred to the Committee on The Legislature, its Organization, etc.

By Mr. Franchot: "A proposition to amend Article V of the Constitution, by striking therefrom the provisions of section eight of said article, prohibiting the creation of offices for the weighing, gauging, measuring, culling or inspecting any merchandise, produce, manufacture or commodity whatever" (Int. No. 131), which was read twice, ordered printed and referred to the Committee on Industrial Interests and Relations.

Mr. J. L. O'Brian, from the Committee on Rules, submitted the following report:

The Committee on Rules, as a supplemental report, recommends the adoption of the following:

Resolved, That the following named persons be employed by this Convention as clerks and stenographers for the respective committees hereinafter named at the per diem compensation set opposite their names, viz.:

Committee on Bill of Rights — Clerk, Sydney B. Carragan, $10. Stenographer, Robert C. Poskanza, $5.

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Committee on Legislative Powers — Stenographer, L. N. Haskins, $5.

Committee on Suffrage — Stenographer, Clara L. Herzog, $5.

Committees on Corporations, etc., and Banking and Insurance — Stenographer, Anna O'Neil, $5.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. Phillips, from the Committee on Library and Information, to which was referred the resolution relative to obtaining certain information from the Clerk of the Court of Appeals introduced by Mr. Marshall on May 5th; and the resolution referring to the same subject introduced by Mr. Wiggins on April 28th, reports that it has considered both said resolutions, and after conference with the Judiciary Committee said committee reports in favor of the adoption of the following resolution in place of the resolutions above mentioned:

Resolved, That the Clerk of the Court of Appeals be requested to examine the records of all cases argued in the Court of Appeals during the years 1913 and 1914, respectively, whether the same be reported in full or in memorandum, and to report with all convenient speed with respect to each of said years separately the following facts:

1. As to the general subject matter of said causes.
2. As to the number of cases involving questions of constitutional law.
3. As to the number of cases involving the interpretation of general statutes of this State and of the United States.
4. As to the number of cases involving questions of criminal law.
5. As to the number of cases involving the interpretation of municipal charters.
6. As to the number of cases involving the interpretation of wills.
7. As to the number of cases in which appeals were allowed by the several Appellate Divisions, pursuant to Section 190 of the Code of Civil Procedure, and that he state separately the number of such cases in which appeals were so taken under each subdivision of said section.
8. As to the number of cases in which appeals were allowed by the several Appellate Divisions, pursuant to Subdivision 2 of

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Section 191 of the Code of Civil Procedure, and that he state separately the number of such cases in which appeals were so taken under each subdivision of said section.

9. As to the number of cases in which appeals were allowed by a judge of the Court of Appeals, pursuant to Subdivision 2 of Section 191 of the Code of Civil Procedure.

10. As to the number of cases of appeal filed with the court in which the decision in the Appellate Division was not unanimous.

11. As to the total number of cases on appeal which had been placed upon the calendar, but not reached for argument on the first of January for each year during the past five years.

which was agreed to.

Mr. Hale, from the Committee on Public Utilities, to which was referred the resolution relative to calling for information from the Commissioner of Highways, reported in favor of the adoption of the resolution amended to read as follows:

Resolved, That the Commissioner of Highways be requested to report to this Convention as soon as practicable the following information in respect to each of the counties of the State, pertaining to the so-called State highways and the so-called county highways separately:

1. The mileage completed or under contract and the cost thereof, paid or to be paid, from the first fifty million dollar highway bond issue.

2. The amount of money allotted from the second fifty million dollar highway bond issue.

which was agreed to.

Mr. Wagner moved to take from the table his resolution in relation to the amount of State bonds issued under Article XI of the Constitution, introduced May 5th, and laid over under the rule.

Debate was had.

On motion of Mr. Wickersham, the same was referred to the Committee on Library and Information.

Mr. Tuck, from the Committee on Minor Offices, submits the following supplemental report in the form of a resolution:

Resolved, That the following named persons be, and they hereby

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are, elected to the positions indicated below, and that their compensation, pursuant to resolutions heretofore adopted, be fixed at the amount set opposite their names, respectively:

Name	Position	Compensation per day
Minnie C. Huller.....	Chief Telephone Operator..	$4 00
Ellen M. B. Hagan.....	Asst. Telephone Operator..	2 50
Elmer E. Lewis.....	Doorkeeper	5 00
(In the place of General Clerk Albert E. Wellman, resigned), John W. Smith.	General Clerk.....	5 00
(In the place of Messenger James Hoey, resigned), Thomas Marion.....	Messenger	3 00
John F. Morris.....	General Clerk.....	5 00
C. A. Gett.....	Stenographer to President.	5 00

Mr. President put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative.

On motion of Mr. Berri, the Secretary was instructed to correct an error in printing found on line 20, page 24 of Document 4, by striking out the figures "104" and inserting in place thereof "10".

Mr. Deyo was excused from to-morrow's session.

Mr. Hinman was excused from the sessions of to-day and to-morrow.

On motion of Mr. Wickersham, the Convention adjourned.

FRIDAY, MAY 7, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. Burton J. Hotaling.

Mr. McKinney offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Comptroller be requested to furnish to the Convention information relative to the cost of the legislative branch of the government from the year 1901 to the year 1915.

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Such statement shall include all amounts appropriated or expended in and for each year for legislative salaries, clerical or other assistance of every kind, printing, supplies of every kind, expenses of all general, special or investigating committees, including amounts paid to counsel or employees, and all incidental or other charges or expenses pertaining to the functions or activities of either House of the Legislature or the members thereof during the period above specified.

which was referred to the Committee on Library and Information.

Mr. Marshall offered for the consideration of the Convention a resolution, in the words following:

Resolved, That whenever any public hearing is given by any committee with respect to any matter likely to be considered by the Convention, notice of the time, place and subject-matter of such hearing be posted on the bulletin board or otherwise given to the delegates of the Convention to enable them, if they desire, to attend the same.

which was referred to the Committee on Rules.

Mr. Tanner offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Suffrage be discharged from the further consideration of proposed Amendment (No. 74, Int. No. 74), entitled " Proposed constitutional amendment to amend Section two of Article IV of the Constitution," and that the same be referred to the Committee on Governor and Other State Officers, etc.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. M. Saxe offered for the consideration of the Convention a resolution, in the words following:

Resolved, That there be printed for the use of the Committee on Taxation 500 copies of the pamphlet entitled " Comparative Statement of Constitutional Provisions Relative to Finance, and Taxation, and to Exemptions."

which was referred to the Committee on Contingent Expenses.

Mr. R. B. Smith offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Superintendent of Public Buildings be

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requested to rearrange the accommodations provided for the telephone operators of the Convention so as to make them suitable for the conditions which will prevail during the summer session.

which was agreed to.

The Secretary called the roll of districts and the following propositions were introduced:

By Mr. Weed: "A proposition to amend Article I, Section two, relating to trial by jury" (Int. No. 132), which was read twice, ordered printed and referred to the Committee on Bill of Rights.

By Mr. Harawitz: "A proposition to amend Section six of Article III of the Constitution, in relation to the compensation and mileage of members of the Legislature" (Int. No. 133), which was read twice, ordered printed and referred to the Committee on The Legislature, its Organization, etc.

By Mr. Dooling: "A proposition to amend Article V of the Constitution, in respect to State officers, by providing for the election of a Commissioner of Labor and Industries" (Int. No. 134), which was read twice, ordered printed and referred to the Committee on Industrial Interests and Relations.

By Mr. Low (by request): "A proposition to amend Article II of the Constitution, in relation to proportional representation and preferential voting" (Int. No. 135), which was read twice, ordered printed and referred to the Committee on Suffrage.

By Mr. Unger: "A proposition to amend Article V, Section nine, in relation to civil service appointments and promotions" (Int. No. 136), which was read twice, ordered printed and referred to the Committee on Civil Service.

By Mr. Rosch: "A proposition to amend Section thirteen of Article VI, providing that the President of the Senate shall not act as a member of the court for trial of impeachment against the Governor or Lieutenant-Governor" (Int. No. 137), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Quigg: "A proposition to amend Section nine of Article V of the Constitution, by providing that appointments shall be made in the civil service according to merit and fitness, to be ascertained by competitive examinations, excepting only appointments to be made by the Governor or by the Governor by and with the advice of the Senate" (Int. No. 138), which was read twice, ordered printed and referred to the Committee on Civil Service.

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Also, "A proposition to amend Section nine of Article I of the Constitution, by the addition of a provision forbidding prize fights and the sale of tickets to fights or fighting exhibitions" (Int. No. 139), which was read twice, ordered printed and referred to the Committee on Legislative Powers.

By Mr. Dunmore: "A proposition to amend Article II of the State Constitution, in relation to the extension of suffrage" (Int. No. 140), which was read twice, ordered printed and referred to the Committee on Suffrage.

By Mr. R. B. Smith: "A proposition to amend Section thirteen of Article VI of the Constitution, in relation to trial of impeachments" (Int. No. 141), which was read twice, ordered printed and referred to the Committee on Judiciary.

On motion of Mr. Wickersham, the Convention adjourned.

TUESDAY, MAY 11, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. David M. Cleland, New Wilmington, Pa.

On motion of Mr. Wickersham, the journal of Thursday, May 6th, was approved.

Mr. President presented the communication of Mr. James Smith, which was referred to the Committee on Suffrage.

Also, the communication of the committee of the State Bar Association, which was referred to the Commitee on the Judiciary.

Also, the communication of Mr. Nicholas Murray Butler, which was referred to the Committee on Library and Information.

Mr. Reeves presented the memorial of the Civil Service Reform Association, which was referred to the Committee on Civil Service.

Mr. M. Saxe gives notice that he will on some future day move to discharge the Committee on Rules from further consideration of his resolution concerning the celebration of the anniversary of the granting of the Magna Charta.

Mr. Dunmore offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Secretary of State be requested to furnish to this Convention the number of electors who voted at any election at which any constitutional amendment or amendments was

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submitted to the people, and the number of votes cast for and against such amendment or amendments.

which was referred to the Committee on Library and Information.

Mr. Kirby offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Comptroller be directed to secure and furnish the Convention with a statement showing the compensation received by the various county treasurers of the counties of the State where fees are retained by them in addition to a salary during the period of the last full term of office, the same to show the amount received each year thereof from the collection of transfer taxes, liquor taxes, sales of land for unpaid taxes and from the receipt and disbursement of moneys paid into county treasuries by order of the various courts.

which was referred to the Committee on Library and Information.

The Secretary called the roll of districts and the following propositions were introduced:

By Mr. Steinbrink: "A proposition to amend Section nine of Article IV, relating to civil service" (Int. No. 142), which was read twice, ordered printed and referred to the Committee on Civil Service.

By Mr. Doughty: "A proposition to amend Section seven of Article VIII of the Constitution, making personally liable stockholders in indemnity, surety and liability corporations" (Int No. 143), which was read twice, ordered printed and referred to the Committee on Corporations.

By Mr. Marshall: "A proposition to amend Article XIV of the Constitution, by making provision for the vote by which an amendment to the Constitution shall be adopted, whether submitted by the Legislature or by a Constitutional Convention, by requiring the question as to whether a Convention shall be held to be submitted at a general election and amendments to the Constitution to be submitted at a general election, by permitting the validity of an election on a question submitted and the determination of the result of such election to be contested by any elector in an action brought in the Supreme Court, and by making provision with respect to amendments coincidently submitted by a Convention and the Legislature" (Int. No. 144), which was read twice, ordered printed and referred to the Committee on Future

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Amendments and Revisions of the Constitution. Clause four of said proposition being referred to the Committee on Suffrage for its information.

Also, "A proposition to amend Article XV of the Constitution, with respect to the time when the Constitution is to go into effect" (Int. No. 145), which was read twice, ordered printed and referred to the Committee on Future Amendments and Revisions of the Constitution.

By Mr. M. Saxe: "A proposition to amend Section two of Article X of the Constitution, in relation to the appointment or election of officers, not provided for by this Constitution" (Int. No. 146), which was read twice, ordered printed and referred to the Committee on County, Town and Village Officers.

By Mr. Shipman: "A proposition to amend Section nine of Article VI of the State Constitution, relating to the jurisdiction of the Court of Appeals" (Int. No. 147), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Bernstein: "A proposition to amend Section two of Article VI, providing that the justices of the various Appellate Divisions shall be designated by the justices of the Supreme Court elected from each department" (Int. No. 148), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Burkan: "A proposition to amend Section five of Article VI of the Constitution, relating to the city court of the city of New York" (Int. No. 149), which was read twice, ordered printed and referred to the Committee on Judiciary.

Also, "A proposition to amend Article V of the Constitution, by adding a new section thereto prohibiting certain officers from engaging in any business or practicing any profession" (Int. No. 150), which was read twice, ordered printed and referred to the Committee on Governor and Other State Officers, etc.

Also, "A proposition to amend Section fifteen of Article VI of the Constitution, removing the restriction prohibiting the Legislature from increasing the salaries of county judges and surrogates" (Int. No. 151), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. C. H. Young: "A proposition to amend Section fourteen of Article VI of the Constitution, relating to the county courts,

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the city court of the city of New York and the court of general sessions in the county of New York" (Int. No. 152), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Clearwater: "A proposition to amend Section one of Article XIII of the Constitution, relating to the oath of office so as to permit the Court of Appeals to prescribe such an oath as it may deem requisite or proper to be taken by attorneys or counsellors at law upon their admission to practice in the courts of the State" (Int. No. 153), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Dunlap: "A proposition to amend Section seven, Article VII of the Constitution, relating to Forest Preserve, to mature, dead and fallen timber, roads, trails and camp sites, and to the appointment of a commissioner of the Forest Preserve" (Int. No. 154), which was read twice, ordered printed and referred to the Committee on Conservation of Natural Resources.

By Mr. Bunce: "A proposition to amend Section thirteen of Article VI of the Constitution, relative to the trial of impeachments, by striking out the word 'judicial' from the fourth sentence of said section" (Int. No. 155), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. E. N. Smith: "A proposition to amend Section four of Article IV of the Constitution, by limiting the power of the Governor to call extraordinary sessions of the Legislature; by increasing the salary of the Governor and giving him certain powers and imposing upon him certain duties as to the budget" (Int. No. 156), which was read twice, ordered printed and referred to the Committee on Governor and Other State Officers, etc. Section four of said proposition being referred to the Committee on the State Finances, Revenues and Expenditures for its information.

Also, "A proposition to amend Section nine of Article IV of the Constitution, as to the power of the Governor to veto appropriation bills" (Int. No. 157), which was read twice, ordered printed and referred to the Committee on Governor and Other State Officers, etc.

Also, "A proposition to amend Section twenty-one of Article III of the Constitution, in relation to the appropriation bills by fixing the date of the fiscal year of the State" (Int. No. 158), which was

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read twice, ordered printed and referred to the Committee on the State Finances, Revenues and Expenditures.

By Mr. Cobb: "A proposition to amend Section eight, Article VII of the Constitution, in relation to the sale of abandoned portions of canals and disposition of funds" (Int. No. 159), which was read twice, ordered printed and referred to the Committee on Canals.

Also, "A proposition to amend Section nine, Article VI of the Constitution, in relation to the jurisdiction of the Court of Appeals" (Int. No. 160), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Schurman: "A proposition to amend Article V of the Constitution, by adding a new section thereto in relation to Public Service Commissions" (Int. No. 161), which was read twice, ordered printed and referred to the Committee on Public Utilities.

By Mr. Mandeville: "A proposition to amend Article III of the Constitution, in relation to the restriction of legislative powers" (Int. No. 162), which was read twice, ordered printed and referred to the Committee on Public Utilities.

By Mr. Leggett: "A proposition to amend Article VI of the Constitution, relating to justices of the peace" (Int. No. 163), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Tuck: "A proposition to amend Section twelve of Article VI of the Constitution, so as to provide for the holding of Special and Trial Terms of the Supreme Court by judges of the Court of Appeals and justices of the Supreme Court retired for age" (Int. No. 164), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Lincoln: "A proposition to amend Section four of Article II of the Constitution, relative to the enactment of election and primary laws" (Int. No. 165), which was read twice, ordered printed and referred to the Committee on Suffrage.

Mr. J. L. O'Brian offered for the consideration of the Convention a resolution, in the words following:

The Committee on Rules as a supplemental report recommends the adoption of the following:

Resolved, That the following named persons be employed by this Convention as clerks and stenographers for Vice-President

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Schurman and the respective committees hereinafter named at the per diem compensation set opposite their names, viz.:

Vice-President Schurman — Secretary, George C. Bogart, $10.

The Committee on the Judiciary — Stenographer, W. F. Barry, $5.

The Committee on Printing and the Committee on Indians — Clerk, James Allen, $7; stenographer, Mildred Hand, $5.

The Committee on the State Finances, Revenues and Expenditures — Clerk, Paul S. Andrews, $10.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative, a majority of all the delegates elected to the Convention voting in favor thereof.

Mr. Parsons offered for the consideration of the Convention a resolution, in the words following:

Resolved, That Rule No. 72 be amended to read as follows: The assistant sergeant-at-arms and doorkeepers shall be under the supervision of the Sergeant-at-arms, who shall require their attendance and the performance of their duties. The committee clerks and stenographers shall be under the supervision of the chairmen of the several committees to which they are respectively assigned, who shall require their attendance and the performance of their duties. The general stenographers and all assistants to the stenographer shall be under the supervision of the stenographer of the Convention, who shall require their attendance and the performance of their duties. With the exception of the Secretary and assistant secretaries, the President's clerk and stenographer, the Secretary's stenographer and the secretaries to the Vice-Presidents, all other officers, assistants and employees of the Convention receiving compensation shall be under the supervision of an assistant secretary who shall be designated by the Secretary for that purpose and who shall require the attendance and performance of duty by such officers, assistants and employees.

To enable the President and Secretary of the Convention to sign the necessary vouchers for payment, pursuant to chapter 76 of the Laws of 1915, the several supervising authorities hereinbefore mentioned shall severally certify from time to time to the President and Secretary as to the attendance and performance of duty by the officers, assistants and employees respectively under their supervision.

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Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. J. L. O'Brian moved to take from the table subdivision 5 of the report of the Committee on Rules, submitted April 26th, and thereafter laid upon the table, which was agreed to.

Said proposed rule having been announced, Mr. J. L. O'Brian moved that the proposed Rule 73 be amended by striking out in the first line thereof the words " on the first day of June " and in lieu thereof inserting the words " after the eleventh day of June;" and also by striking out the word " thereafter " in the second line of said rule so that the said proposed rule as thus amended will read as follows:

" Rule 73. After the eleventh day of June, nineteen hundred and fifteen, the call for proposed constitutional amendments by districts under Rule 3 shall be discontinued and no proposed constitutional amendment shall be introduced except on the report or recommendation of a standing or select committee," and that as so amended said rule be adopted.

Mr. President put the question whether the Convention would agree to said motion to amend, and it was determined in the affirmative.

Debate was had.

Mr. President put the question whether the Convention would agree to said Rule 73 as amended, and it was determined in the affirmative.

Mr. H. LeRoy Austin was excused from the sessions of to-day and to-morrow.

Mr. Wm. McKinney was excused from the sessions of to-day and to-morrow.

On motion of Mr. Wickersham, the Convention adjourned.

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WEDNESDAY, MAY 12, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. J. Addison Jones.

On motion of Mr. Wickersham, the journal of Friday, May 7th, was approved.

Mr. Buxbaum offered for the consideration of the Convention a resolution, in the words following:

Resolved, That his Excellency, the Governor, be invited by the President of this Convention to visit and address the delegates at a future date to be fixed by the Governor.

Said resolution giving rise to debate, ordered that the same be laid upon the table.

Mr. J. G. Saxe offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Suffrage be discharged from the further consideration of the Proposed Amendment (No. 4, Int. No. 4) entitled "Proposed Constitutional Amendment to amend Section four of Article II of the Constitution, in respect to the enactment of election and registration laws."

which was agreed to.

Said proposition having been announced, on motion of Mr. J. G. Saxe, the same was amended as follows:

Page 1, line 9, after "years" insert in italics "and party nominations for all elective judicial officers, except to fill vacancies in nominations."

and ordered reprinted and recommitted to said committee.

Mr. Quigg offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the President shall appoint a select committee on the submission of any Proposed Constitution or Constitutional Amendment which shall have been adopted by this Convention, to consist of seven members, which committee, in accordance with Section two of Article XIV of the existing Constitution, shall report to this Convention, on or before June 11, 1915, the time and the manner by which any Proposed Constitution or Constitutional Amendment adopted by this Convention shall be submitted to the vote of the electors of the State; and

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Resolved, That the report of said committee as so made, or as hereafter duly authorized to be made, shall, when duly made, be straightway committed to the Committee of the Whole with precedence.

which was referred to the Committee on Rules.

Mr. Cullinan offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the State Board of Charities forward to this Convention a statement of the number of inmates of the several institutions over which they exercise superintendence or control, who at or before the time of their admission to said several institutions, practised the habit of smoking cigarettes.

which was referred to the Committee on Library and Information.

Mr. Cullinan offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Superintendent of Prisons forward to this Convention a statement of the number of persons committed to the several prisons, penitentiaries, reform schools or other institutions over which he exercises superintendence or control, who practised the habit of smoking cigarettes at or before the time they were committed respectively to said institutions.

which was referred to the Committee on Library and Information.

Mr. Cullinan offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the State Hospital Commission forward to this Convention a statement of the number of patients in or persons admitted to the various State hospitals or other institutions of which they have charge or over which they exercise superintendence or control, who have been admitted to or directed to be placed in said several institutions by reason of a condition induced or occasioned in whole or in part by the use of cigarettes. The numbers of such persons in said several institutions should be specified by each institution separately.

which was referred to the Committee on Library and Information.

Mr. Secretary called the roll of districts when the following propositions were introduced:

By Mr. Pelletreau: "A proposition to amend Section two, Article III of the Constitution, in relation to the terms of office of the members of the Legislature" (Int. No. 166), which was

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read twice, ordered printed and referred to the Committee on the Legislature, its Organization, etc.

Also, "A proposition to amend Section six, Article X of the Constitution, in relation to biennial sessions of the Legislature" (Int. No. 167), which was read twice, ordered printed and referred to the Committee on the Legislature, its Organization, etc.

Also, "A proposition to amend Section thirteen, Article III of the Constitution, in relation to the origin of bills in the Legislature" (Int. No. 168), which was read twice, ordered printed and referred to the Committee on the State Finances, Revenues and Expenditures.

By Mr. Brenner: "A proposition to amend Section seven of Article I of the Constitution, appointing judges of condemnation in condemnation proceedings" (Int. No. 169), which was read twice, ordered printed and referred to the Committee on Bill of Rights.

By Mr. Baldwin: "A proposition to amend Article VI of the Constitution, in relation to the court of general sessions of the county of New York" (Int. No. 170), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Bell: "A proposition to amend Article II of Section one of the Constitution, in relation to qualifications of voters" (Int. No. 171), which was read twice, ordered printed and referred to the Committee on Suffrage.

By Mr. Bernstein: "A proposition to amend Article V of the Constitution, by providing for the appointment by the Governor of State officers" (Int. No. 172), which was read twice, ordered printed and referred to the Committee on Governor and Other State Officers, etc.

By Mr. Slevin: "A proposition to amend Section three of Article I of the Constitution, in relation to rights of jurors" (Int. No. 173), which was read twice, ordered printed and referred to the Committee on Bill of Rights.

By Mr. Haffen: "A proposition to amend Article III, Section five of the Constitution, providing for the number of members of the Assembly to be apportioned by the Legislature at the first session after the return of every enumeration among the several counties of the State, and providing further, the manner and method by which said apportionment shall be made" (Int. No.

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174), which was read twice, ordered printed and referred to the Committee on the Legislature, its Organization, etc.

By Mr. Bunce (by request): "A proposition to amend Section seventeen of Article VI of the Constitution, relative to justices of the peace, by limiting the number of them that shall be elected" (Int. No. 175), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Cullinan: "A proposition to add a new section to Article VII of the Constitution, providing that any act granting a pension shall not take effect unless it shall have been submitted to the people" (Int. No. 176), which was read twice, ordered printed and referred to the Committee on the State Finances, Revenues and Expenditures.

By Mr. Dunmore: "A proposition to amend Section four, Article I of the Constitution, in relation to the writ of habeas corpus" (Int. No. 177), which was read twice, ordered printed and referred to the Committee on Bill of Rights.

By Mr. L. M. Martin (by request): "A proposition to amend Article X, Sections one and two of the Constitution, in relation to counties and towns, their organization, government and officers" (Int. No. 178), which was read twice, ordered printed and referred to the Committee on Counties, Towns and Villages, their Organization, Government, etc.

Also (by request), "A proposition to amend Section one of Article V of the Constitution, in relation to State officers, their manner of selection and term of office" (Int. No. 179), which was read twice, ordered printed and referred to the Committee on Governor and Other State Officers, etc.

Also (by request), "A proposition to amend Article VIII of the Constitution, in relation to the formation of business corporations, their powers and duties" (Int. No. 180), which was read twice, ordered printed and referred to the Committee on Corporations.

Also (by request), "A proposition to amend Article VIII of the Constitution, in relation to the forming of labor unions" (Int. No. 181), which was read twice, ordered printed and referred to the Committee on Industrial Interests and Relations.

By Mr. Deyo: "A proposition to amend Section four of Article IV of the Constitution, in relation to the salary and the powers of the Governor" (Int. No. 182), which was read twice, ordered

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printed and referred to the Committee on Governor and Other State Officers, etc.

By Mr. Rodenbeck: "A proposition to amend Article VI of the Constitution, by adding a new section conferring authority upon the justices of the Appellate Division to make rules of procedure in court proceedings" (Int. No. 183), which was read twice, ordered printed and referred to the Committee on Judiciary.

Also, "A proposition to amend Section fifteen of Article III of the Constitution, prohibiting the introduction in the Legislature of any bill except by a standing or select committee of the Legislature until such bill has been approved as to form and expression by the legislative counsel" (Int. No. 184), which was read twice, ordered printed and referred to the Committee on Legislative Powers.

Also, "A proposition to amend Article VI of the Constitution, by adding a new section conferring authority upon the justices of the Appellate Division to designate one of the justices of the Supreme Court a judiciary counsel to prepare rules of court and exercise a general supervision over the administration of justice" (Int. No. 185), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Lincoln: "A proposition to amend Article V of the Constitution, by adding thereto a new section relating to the creation of boards, commissions, etc." (Int. No. 186), which was read twice, ordered printed and referred to the Committee on Governor and Other State Officers, etc.

By Mr. Sanders: "A proposition to amend Article XII of the Constitution, so as to secure to cities and incorporated villages the right of self government and to limit the power of the Legislature to the enactment of general laws for the organization and government thereof" (Int. No. 187), which was read twice, ordered printed and referred to the Committee on Cities.

Mr. J. L. O'Brian, from the Committee on Rules, submitted the following report:

The Committee on Rules as a supplemental report recommends the adoption of the following:

Resolved, That the following named persons be employed by this Convention as clerks and stenographers for the respective

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committees hereinafter named at the per diem compensation set opposite their names, viz.:

Committee on Prisons and Committee on Contingent Expenses —George Kaufman, stenographer, $5.

And that this Convention accept the resignation of George Munson as stenographer to the Committee on Contingent Expenses and on Prisons, and that the said George Munson be employed by this Convention as clerk and stenographer to the Committee on Revision and Engrossment at the compensation of $10 per day.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. Rodenbeck, from the Committee on Revision and Engrossment, presented the following report:

To the Constitutional Convention:

The Committee on Revision and Engrossment, to which was referred the resolution adopted by the Convention authorizing and directing the committee to employ an expert parliamentary draftsman to assist members and committees in the preparation and formulation of resolutions and proposed amendments to the Constitution, begs to report that it has selected as such draftsman Benton S. Rude, for many years connected with the Bill Drafting Department of the Legislature, and asks that his compensation be fixed at the sum of $15 a day.

which report was agreed to.

Mr. Rodenbeck offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the compensation of Benton S. Rude, the parliamentary draftsman employed by the Committee on Revision and Engrossment, be fixed at the sum of $15 per day.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

On motion of Mr. S. K. Phillips, his resolution of May 5th in relation to fees of the official stenographer was taken from the table and recommitted to the Committee on Contingent Expenses.

Mr. J. L. O'Brian was excused from the sessions of to-morrow and Friday.

On motion of Mr. Wickersham, the Convention adjourned.

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THURSDAY, MAY 13, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. John P. Chidwick, Yonkers, N. Y.

On motion of Mr. Wickersham, the journal of Tuesday, May 11th, was approved.

Mr. Coles offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Printing ascertain the number of copies now on hand of the proceedings of the Convention, journals, calendars, documents and proposed constitutional amendments, and report to the Convention the number of additional copies of each needed to supply the demand during the entire session of the Convention.

which was referred to the Committee on Printing.

Mr. C. A. Webber offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the State Comptroller be requested to furnish the following information from the reports in transfer tax proceedings filed in his office:

First. The following details in relation to each of the last twenty-five parcels of real estate in each county of the State appraised for the transfer tax:

a. The name of the deceased.

b. The name of the city or town in which the parcel is located.

c. The assessed value as reported.

d. The appraised value as fixed.

Second. The foregoing information to be arranged by counties according to the location of the parcels, and to be in tabular form.

which was referred to the Committee on Library and Information.

Mr. Buxbaum offered for the consideration of the Convention a resolution, in the words following:

Whereas, Several of the standing committees hold their meetings on the same day of the week and at about the same time, and delegates are unable to attend more than one committee meeting at the same time; and,

Whereas, Many of the delegates are interested in the proceedings of committees, other than those to which they have been assigned and desire to be informed in regard to the work and progress of such other committees; now, therefore, be it

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Resolved, That typewritten copies of the minutes of the several standing committees be furnished, upon request, by the stenographers of the various committees, to the delegates, and that suitable arrangements for a sufficient supply of such minutes be made.

which was referred to the Committee on Contingent Expenses.

Mr. Buxbaum offered for the consideration of the Convention a resolution, in the words following:

Resolved, That this Convention extend its thanks to the Hon. Thaddeus C. Sweet, Speaker of the Assembly, and to Hon. Francis M. Hugo, Secretary of State, for their valuable services rendered prior to and in the organization of this Convention.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. Buxbaum offered for the consideration of the Convention a resolution, in the words following:

Whereas, There have been but very few changes in the present Constitution since its adoption; and,

Whereas, It is deemed advisable that only such changes therein be made by the delegates to this Convention as may be necessary to meet existing conditions; and,

Whereas, It is advisable that the efforts of the delegates be concentrated upon the desired changes and that the work of this Convention be performed as speedily as consistent with careful and thorough consideration of the matters requiring its special attention; be it

Resolved, That this Convention give its main attention to the following amendments to the present Constitution:

First. An amendment changing the present judicial system and limiting exemptions from performance of jury duty.

Second. An amendment changing the present methods of taxation.

Third. An amendment concerning the State finances, revenues and expenditures.

Fourth. An amendment concerning the conservation of the natural resources of the State.

Fifth. An amendment relative to workmen's compensation and rights.

Sixth. An amendment relative to civil service appointments, promotions and removal of civil service employees.

Seventh. An amendment providing for a new legislative apportionment and fixing the number and terms of Senators and Assemblymen, their compensation, powers and procedure.

Eighth. An amendment relative to the short ballot.

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On motion of Mr. Wickersham, said resolution was ordered laid upon the table.

Mr. Wiggins offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the clerk of this Convention procure from the clerk of the Appellate Division of each department the number of appeals from orders and judgments filed during the calendar year and the number of appeals upon the calendar which have not been reached for argument on the first day of January for each year during the past three years and during the years 1900, 1901 and 1902.

which was referred to the Committee on Library and Information.

Mr. Cobb offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Attorney-General be requested to furnish to this Convention, with all convenient speed, the following information relative to matters pending before the Court of Claims:

First. The number of claims pending, classified by the years in which the claims were filed.

Second. The amount involved in the claims so filed, also classified by years.

Third. The number of claims disposed of by the Court of Claims or Board of Claims in each year of the last five years.

Fourth. The number of claims adjusted without recourse to the Court of Claims or Board of Claims in each year of the last five years.

Fifth. The total amount paid by the State in satisfaction of claims in each year of the last five years.

Sixth. The geographical distribution of pending claims, stated by counties.

Seventh. A classification of pending claims by number and amount involved, showing:

a. Claims arising from appropriations made by the State in the course of the Barge Canal improvement.

b. Cases on contract growing out of the Barge Canal improvement.

c. Cases in the nature of tort growing out of the Barge Canal improvement.

d. Cases on contract, unrelated to the Barge Canal improvement.

e. Cases in the nature of tort unrelated to the Barge Canal improvement.

which was referred to the Committee on Library and Information.

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The Secretary called the roll by districts when the following propositions were introduced:

By Mr. Pelletreau: "A proposition to amend Section two, Article I of the Constitution, in relation to trial by jury" (Int. No. 188), which was read twice, ordered printed and referred to the Committee on Bill of Rights.

By Mr. Steinbrink: "A proposition to amend Section twenty-four, Article VI, regulating the creation of the office of official referee" (Int. No. 189), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Bayes (by request): "A proposition to amend Section six of Article X of the Constitution, in relation to sessions and final adjournments of the Legislature" (Int. No. 190), which was read twice, ordered printed and referred to the Committee on The Legislature, its Organization, etc.

Also (by request), "A proposition to amend Section eleven of Article III of the Constitution, in relation to adjournments of the Legislature" (Int. No. 191), which was read twice, ordered printed and referred to the Committee on The Legislature, its Organization, etc.

Also (by request), "A proposition to amend Section thirteen of Article III of the Constitution, in relation to the introduction of bills" (Int. No. 192), which was read twice, ordered printed and referred to the Committee on Legislative Powers.

By Mr. A. E. Smith: "A proposition to amend Article III of the Constitution, in relation to minimum wages" (Int. No. 193), which was read twice, ordered printed and referred to the Committee on Industrial Interests and Relations.

Also, "A proposition to amend Article III of the Constitution, by inserting a new section, in relation to delegation of legislative power in matters affecting employees" (Int. No. 194), which was read twice, ordered printed and referred to the Committee on Industrial Interests and Relations.

Also, "A proposition to amend Article III of the Constitution, in relation to power of the Legislature to prohibit manufacturing in dwellings" (Int. No. 195), which was read twice, ordered printed and referred to the Committee on Industrial Interests and Relations.

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Also, "A proposition to amend Article I of the Constitution, in relation to legislation affecting employees" (Int. No. 196), which was read twice, ordered printed and referred to the Committee on Industrial Interests and Relations.

By Mr. Baldwin: "A proposition to amend Section two of Article I of the Constitution, in relation to the trial of civil actions in the Supreme Court" (Int. No. 197), which was read twice, ordered printed and referred to the Committee on Bill of Rights.

By Mr. C. Nicoll: "A proposition to amend Sections seven and eight of Article VI of the Constitution, so as to provide for the appointment of the chief judge and the associate judges of the Court of Appeals by the Governor by and with the advice and consent of the Senate" (Int. No. 198), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Blauvelt: "A proposition to amend Article VII of the Constitution, in relation to the application of excessive accumulations in sinking funds" (Int. No. 199), which was read twice, ordered printed and referred to the Committee on the State Finances, Revenues and Expenditures.

By Mr. Winslow: "A proposition to amend Section one, Article XII of the Constitution, in relation to the hours of duty of city employees" (Int. No. 200), which was read twice, ordered printed and referred to the Committee on Cities.

By Mr. Barrett: "A proposition to amend Article X, Section two, in relation to a county department of assessments and collection of taxes" (Int. No. 201), which was read twice, ordered printed and referred to the Committee on Taxation.

Also, "A proposition to amend Article III and Article X in relation to the government of counties, restricting the power of the Legislature to the enactment of general laws and providing for the submission to the electors of certain propositions, in reference thereto" (Int. No. 202), which was read twice, ordered printed and referred to the Committee on Counties, Towns and Villages, their Organization, Government, etc.

By Mr. Rosch: "A proposition to amend Section nine, Article I of the Constitution, to provide for the regulation of strikes, lockouts and industrial differences" (Int. No. 203), which was

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read twice, ordered printed and referred to the Committee on Bill of Rights.

By Mr. Wiggins (by request): "A proposition to amend Article XIII, Section five, in relation to free passes, free transportation, franking privileges or discrimination in passenger, telegraph or telephone rates, from any person or corporation, or making use of the same" (Int. No. 204), which was read twice, ordered printed and referred to the Committee on Public Utilities.

Also, "A proposition to amend Article III, Section seven of the Constitution, to provide that members of the Legislature may act as notary public or commissioner of deeds during their term of office" (Int. No. 205), which was read twice, ordered printed and referred to the Committee on The Legislature, its Organization, etc.

By Mr. Vanderlyn: "A proposition to amend Section two of Article I of the Constitution, to provide that an agreement of five-sixths of a jury shall constitute a verdict in civil cases" (Int. No. 206), which was read twice, ordered printed and referred to the Committee on Bill of Rights.

By Mr. McKean: "A proposition to amend Section seven of Article VII of the Constitution, relative to the lands constituting the Forest Preserve" (Int. No. 207), which was read twice, ordered printed and referred to the Committee on Conservation of Natural Resources.

By Mr. Bunce (by request): "A proposition to amend Section eighteen of Article VI, in relation to inferior local courts by increasing territorial and personal jurisdiction" (Int. No. 208), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Deyo: "A proposition to amend Section nine, Article IV of the Constitution, in relation to the approval of bills passed by the Legislature" (Int. No. 209), which was read twice, ordered printed and referred to the Committee on Legislative Powers.

By Mr. Sanders: "A proposition to amend Section two of Article X of the Constitution, in relation to the election and appointment of city, town and village officers" (Int. No. 210),

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which was read twice, ordered printed and referred to the Committee on Counties, Towns and Villages, their Organization, Government, etc.

By Mr. R. B. Smith: "A proposition to amend Article IV of the Constitution, by adding a new section thereto in relation to the power of the Governor to amend a bill which imposes a direct State tax" (Int. No. 211), which was read twice, ordered printed and referred to the Committee on the State Finances, Revenues and Expenditures.

Also, "A proposition to amend Section five of Article II of the Constitution, in relation to the manner of voting" (Int. No. 212), which was read twice, ordered printed and referred to the Committee on Suffrage.

By Mr. Ahearn: "A proposition to amend Article XIV, in relation to amendments to the Constitution, how proposed, voted upon and ratified" (Int. No. 213), which was read twice, ordered printed and referred to the Committee on Future Amendments and Revisions of the Constitution.

By Mr. J. G. Saxe: "A proposition to amend Section eighteen, Article III of the Constitution, in relation to limitations of the power of the Legislature to pass private or local bills, by prohibiting private claim bills" (Int. No. 214), which was read twice, ordered printed and referred to the Committee on Legislative Powers.

On motion of Mr. Wickersham, printed copies of all proposed amendments relating to trial by jury and referred to the Committee on Bill of Rights were ordered sent to the Committee on Judiciary for its information, with authority to report such opinions thereon as it may deem wise.

Mr. Secretary announced the designation of E. W. Moses assistant secretary in charge of officers and employees of the Convention pursuant to resolution of May 11th.

On motion of Mr. R. B. Smith, the Sergeant-at-Arms was excused from attendance in order that he might accept service of a subpoena to appear as a witness in a pending trial.

On motion of Mr. Wickersham, the Convention adjourned.

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FRIDAY, MAY 14, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. H. Dyckhuesen.

On motion of Mr. Wickersham, the journal of Wednesday, May 12th, was approved.

Mr. President presented the memorial of the Chamber of Commerce of the State of New York, which was referred to the Committee on Judiciary.

Also, the petition of a number of citizens and taxpayers, in relation to biennial sessions, which was referred to the Committee on The Legislature, its Organization, etc.

Also, the communication of the teachers of public school 22, borough of Queens, which was referred to the Committee on Education.

Also, the communication of Hon. Peter G. Ten Eyck, which was referred to the Committee on Suffrage.

Also, the communication of Macey F. Denning, which was referred to the Committee on Suffrage.

Also, the communication of Francis E. Tower, which was referred to the Committee on Bill of Rights.

Also, the communication of James Wood, which was referred to the Committee on Bill of Rights.

Also, the proposal of the New York State Bar Association, which was referred to the Committee on Judiciary.

Mr. Parsons offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the chairmen of committees be requested to instruct their clerks to cause as early notice as practicable of hearings to be filed with the Secretary of the Convention, and that the Secretary cause a consolidated calendar of such hearings to be posted and kept posted on the bulletin board, showing the day and hour, place and subject of such hearings.

which was referred to the Committee on Rules.

Mr. Cobb offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Canals be discharged from the further consideration of the Proposed Amendment (No. 159, Int. No. 159) entitled "Proposed constitutional amendment to

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amend Section eight of Article VII of the Constitution, in relation to the sale of abandoned portions of canals and disposition of funds."

Said proposition having been announced, on motion of Mr. Cobb the same was amended as follows:

Page 2, line 2, before "portions" insert in italics " those ".
Page 2, line 3, after the first " of " strike out the balance of the line and insert in italics in place thereof " such canals which shall have been ".
Page 2, line 4, after " purposes " and before the semicolon insert in italics " in accordance with plans made pursuant to laws heretofore enacted for the improvement of such canals ".

and ordered reprinted and recommitted to said committee.

The Secretary called the roll by districts and the following propositions were introduced:

By Mr. Steinbrink (by request): "A proposition to amend Sections fourteen and seventeen of Article VI of the Constitution, in respect to the consolidation of courts within the territorial limits of the city of New York" (Int. No. 215), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Wickersham: "A proposition to amend Article III of the Constitution, in relation to exemptions from jury service" (Int. No. 216), which was read twice, ordered printed and referred to the Committee on Judiciary.

Also, "A proposition to amend Article I of the Constitution, in relation to trial by jury" (Int. No. 217), which was read twice, ordered printed and referred to the Committee on Bill of Rights.

By Mr. Shipman (by request): "A proposition to amend Section one of Article X of the State Constitution, relative to county officers" (Int. No. 218), which was read twice, ordered printed and referred to the Committee on County, Town and Village Officers.

By Mr. Bunce: "A proposition to amend Section seven of Article VII of the Constitution, in reference to the use and increase of the Forest Preserve, and the use of the water resources of the State" (Int. No. 219), which was read twice, ordered printed and referred to the Committee on Conservation of Natural Resources. A printed copy to be sent to the Committee on Bill of Rights with authority to report such opinions thereon as it may deem advisable.

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Also, "A proposition to amend Article V of the Constitution, by adding thereto two new sections providing for the appointment of a conservation commissioner and prescribing his duties, and for the appointment of a water power and supply commissioner and prescribing his duties" (Int. No. 220), which was read twice, ordered printed and referred to the Committee on Governor and Other State Officers, etc. A printed copy to be sent to the Committee on Conservation of Natural Resources with authority to report such opinions thereon as it may deem advisable.

Mr. J. S. Phillips, from the Committee on Library and Information, to which was referred the resolution relative to obtaining certain information from the Comptroller as to the amount of fees and salaries now received by the various county treasurers of the counties of the State, introduced by Mr. Kirby, May 11, 1915, reported in favor of the adoption of the following resolution:

Resolved, That the Comptroller be requested to furnish, with all convenient speed, to the Secretary of the Convention a statement showing the following information:

First. The official compensation received during the last fiscal year by the several county treasurers by way of salary.

Second. The fees they receive and retain in addition to their salary, and the amount of such compensation received and retained by them during the last fiscal year, and a statement showing the source from which the fees are derived.

Mr. President put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative.

Mr. Berri offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Secretary be directed to place an order at once for the printing necessary to comply with the provisions of Rules 70 and 71.

Said resolution giving rise to debate, ordered that the same be laid upon the table.

Mr. Berri offered for the consideration of the Convention a resolution, in the words following:

Resolved, In addition to the five hundred copies of the proposed constitutional amendments, records, documents and journals already ordered, that three hundred additional copies of the Record and five hundred additional copies each of the proposed amendments and documents are hereby ordered on the conditions

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named in the letter of the J. B. Lyon Company to the chairman of the Printing Committee, dated May 13, 1915; and that hereafter until further ordered one thousand copies of each, including journals, shall be regularly printed and delivered to the Convention.

Said resolution giving rise to debate, ordered that the same be laid upon the table.

Mr. Parsons, from the Committee on Rules, submits the following report:

The Committee on Rules as a supplemental report recommends the adoption of the following: Resolved, That Minerva E. Broughton be employed by this Convention as stenographer for the Committee on Future Amendments, at a compensation of $5 per day.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. Wickersham and Mr. M. J. O'Brien were excused from the session of Tuesday next.

On motion of Mr. Wickersham, the Convention adjourned.

TUESDAY, MAY 18, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. J. Addison Jones.

On motion of Mr. J. L. O'Brian the journal of Thursday, May 13th, was approved.

Mr. Parsons offered for the consideration of the Convention a resolution, in the words following:

Resolved, That in lieu of Rules 70 and 71 the following be adopted:

Rule 70. There shall be printed as of course and without any special order 1,000 copies of the Record, 800 copies of the Journal, 500 copies of the Calendar, 1,000 copies of each document, 1,000 copies of each Proposed Constitutional Amendment, and 1,000 copies of each report of a committee, or of a minority of a committee, on the subject of constitutional revision in which are set forth the reasons for their recommendation.

Rule 71. Six hundred copies of the Record, 600 copies of the Journal and 600 copies of the reports as printed shall be bound and distributed as follows, viz.: To each member of the Con-

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vention, two copies; State Library, five copies; the library of the Senate, five copies; the library of the Assembly, five copies; the office of each county clerk, one copy; and the remaining copies to such libraries and other institutions as shall be designated by the President or by the Convention.

Further Resolved, That the Committee on Printing is hereby requested to carry out the provisions of Rules 70 and 71 as amended; that Rule 70 as amended be deemed to supersede all rules and resolutions heretofore adopted in regard to the number of copies to be printed; that the extra number of copies to be provided because of the adoption of these resolutions be ordered on the conditions named in the letter of the J. B. Lyon Company to the chairman of the Printing Committee, dated May 13, 1915, and that the two resolutions introduced by Mr. Berri on May 13th in regard to printing be laid upon the table.

which was referred to the Committee on Rules.

Mr. Austin offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Conservation of Natural Resources be discharged from the further consideration of the proposed amendment (No. 128, Int. No. 128) entitled "Proposed Constitutional Amendment to amend Section seven of Article VII of the Constitution, relative to the lands constituting the Forest Preserve."

which was agreed to.

Said proposition having been announced, on motion of Mr. Austin, the same was amended as follows:

Page 2, line 3, after the word "parks" insert "and are not in or adjacent to Lake George" in italics.

and ordered reprinted and recommitted to said committee.

Mr. Clearwater offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Secretary cause to be placed upon the corridor blackboards the names of the committees, and the place and hour of their meeting.

which was referred to the Committee on Rules.

Mr. Ostrander offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Clerk of the Court of Claims and the Comptroller be, and are hereby, requested to transmit to this Convention, with all convenient speed, the following information relating to the Courts of Claims and the Boards of Claims and to matters

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pending and disposed of therein, during each of the ten years last past, so far as such information shall be of record in their respective offices, viz.:

1. The amount of salaries, fees, expenses and disbursements paid to all judges, attendants, clerks, stenographers and other employees, witnesses, counsel and agents, viz.:

2. The number of days of actual sittings of such court or board in each year.

3. The number of cases disposed of in each year and the aggregate of awards made in each year.

4. The number of cases disposed of in each year, in which the award was $500 or less and $200 or less, respectively, and the aggregate of such awards in each year.

5. The number of times the name of such court or board has been changed during said year, and the alleged reasons for such changes.

Further Resolved, That the Superintendent of Public Works, the State Engineer and Surveyor and the Attorney-General transmit to the Convention, at their earliest convenience, the following information relating to matters pending and disposed of during each of the ten years last past, before the Courts of Claims and the Boards of Claims, so far as such information shall be of record in their respective offices, viz.:

1. The amounts paid in each year to officers, employees, agents, investigators and representatives of such departments respectively for services, fees, expenses and disbursements in relation to matters before said courts or boards.

2. The amounts paid or incurred for services, fees and expenses of witnesses, consulting experts, special counsel and otherwise in relation to matters before said courts or boards.

which was referred to the Committee on Library and Information.

Mr. Green offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Printing be, and is hereby, requested to place contract through the proper authorities for the printing of 6,000 extra copies of all proposed amendments. Said amendments to be at the disposal of the delegates to this Convention and the distribution to include all of the newspapers published in their respective districts, as also all the public and school libraries, chambers of commerce, business men's associations, military and civil clubs, labor organizations, etc., balance to be sent to such of their constituents, among the judges, lawyers, ministers, bankers, manufacturers, merchants and other professional business and workingmen as they may proportionately select, limiting the number of proposed amendments, how-

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ever, to 50 copies for each delegate-at-large and 100 copies to each of the fifty-one districts; the manner of distribution in said districts to be left to the three delegates from each district to mutually agree upon.

which was referred to the Committee on Contingent Expenses.

The Secretary called the roll by districts when the following propositions were introduced:

By Mr. Pelletreau: "A proposition to amend Article IV, Section four, in relation to the duties and powers of governor; compensation; State budget" (Int. No. 221), which was read twice, ordered printed and referred to the Committee on the State Finances, Revenues and Expenditures.

Also, "A proposition to amend Article V, Section one of the Constitution, in relation to the appointment of the State officers by the Governor and the creation of a Governor's council, composed of the State officers" (Int. No. 222), which was read twice, ordered printed and referred to the Committee on Governor and Other State Officers, etc.

Also, "A proposition to amend Article V, Section two, by striking out said section and substituting in place thereof a provision giving the Secretary of State, Comptroller, Treasurer, Attorney-General and State Engineer and Surveyor seats in the Legislature" (Int. No. 223), which was read twice, ordered printed and referred to the Committee on Legislative Powers.

By Mr. Buxbaum: "A proposition to amend Section twenty of Article VI of the Constitution, in relation to qualification of judicial officers" (Int. No. 224), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Sargent: "A proposition to amend Section one of Article II of the Constitution, in relation to compulsory voting" (Int. No. 225), which was read twice, ordered printed and referred to the Committee on Suffrage.

By Mr. Newburger: "A proposition to amend Section six of Article II of the Constitution, in relation to appointing or electing election boards and officers from the enrolled voters of the election districts for which they shall be appointed or elected" (Int. No. 226), which was read twice, ordered printed and referred to the Committee on Suffrage.

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Also, "A proposition to amend Section one of Article X of the Constitution, in relation to extending the term of office of district attorneys to five years in the counties of New York and Kings, and in counties whose boundaries are the same as those of a city, and making said district attorneys ineligible for re-election for the next term after the termination of their offices, and providing that all votes for any of said district attorneys for any other office given by the Legislature or the people shall be void" (Int. No. 227), which was read twice, ordered printed and referred to the Committee on County, Town and Village Officers.

By Mr. Foley: "A proposition to amend Section four of Article III of the Constitution, providing for enumerations and reapportionments and for an equitable apportionment of Senate districts" (Int. No. 228), which was read twice, ordered printed and referred to the Committee on The Legislature, its Organization, etc.

By Mr. Kirk: "A proposition to amend Article VI, providing that justices of the Court of Appeals and the justices of the various Appellate Divisions shall be designated by the justices of the Supreme Court elected from each department" (Int. No. 229), which was read twice, ordered printed and referred to the Committee on Judiciary.

Also, "A proposition to amend Article III, abolishing the Senate and providing for the election of the Assembly" (Int. No. 230), which was read twice, ordered printed and referred to the Committee on The Legislature, its Organization, etc.

By Mr. Sheehan: "A proposition to amend Section four of Article III of the Constitution, by eliminating the provision with reference to decennial enumeration of inhabitants and providing that after nineteen hundred and sixteen reapportionments shall be based upon the Federal enumerations, thereby saving to the taxpayers approximately four hundred and seventy-five thousand dollars every ten years" (Int. No. 231), which was read twice, ordered printed and referred to the Committee on The Legislature, its Organization, etc.

By Mr. J. G. Saxe (by request): "A proposition to amend Section six of Article I of the Constitution, in relation to self-incrimination by a witness" (Int. No. 232), which was read twice, ordered printed and referred to the Committee on Bill of Rights.

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Also (by request), "A proposition to amend Section two of Article I of the Constitution, in relation to trial by jury" (Int. No. 233), which was read twice, ordered printed and referred to the Committee on Bill of Rights. A printed copy to be sent to the Committee on Judiciary with authority to report such opinions thereon as it may deem advisable.

By Mr. Low (by request): "A proposition to amend Sections one and two of Article XIV of the Constitution, relating to future amendments and constitutional conventions" (Int. No. 234), which was read twice, ordered printed and referred to the Committee on Future Amendments and Revisions of the Constitution.

By Mr. Bernstein: "A proposition to amend Section five of Article IV of the Constitution, in relation to reprieves, commutations and pardons" (Int. No. 235), which was read twice, ordered printed and referred to the Committee on Prisons, etc., and the Prevention and Punishment of Crime.

Also, "A proposition to amend Section six of Article II of the Constitution, in relation to registration and election boards" (Int. No. 236), which was read twice, ordered printed and referred to the Committee on Suffrage.

By Mr. Donovan: "A proposition to provide a new section in relation to civil service" (Int. No. 237), which was read twice, ordered printed and referred to the Committee on Civil Service.

By Mr. Griffin: "A proposition to amend Article I, Section two, in relation to permitting the jury in all trials for felony to fix the punishment" (Int. No. 238), which was read twice, ordered printed and referred to the Committee on Bill of Rights. A printed copy to be sent to the Committee on Judiciary with authority to report such opinions thereon as it may deem advisable.

By Mr. Austin: "A proposition to amend Article I, Section six of the Constitution, by providing that the Legislature may by law abolish, limit, change, amend or otherwise regulate the grand jury system" (Int. No. 239), which was read twice, ordered printed and referred to the Committee on Bill of Rights. A printed copy to be sent to the Committee on Judiciary with authority to report such opinions thereon as it may deem advisable.

By Mr. Clearwater: "A proposition to amend Section twelve

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of Article VI of the Constitution so as to provide that justices of the Supreme Court shall receive from the State the sum of fifteen thousand dollars per year, and that those assigned to the Appellate Divisions in the third and fourth departments, shall receive only the like amount" (Int. No. 240), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. E. N. Smith: "A proposition to amend Section thirteen of Article VI of the Constitution, in relation to the exercise of his office by the Governor or Lieutenant-Governor after impeachment" (Int. No. 241), which was read twice, ordered printed and referred to the Committee on Judiciary.

Also, "A proposition to amend Section six of Article IV of the Constitution, in relation to the powers of the Lieutenant-Governor, in case of the impeachment of the Governor" (Int. No. 242), which was read twice, ordered printed and referred to the Committee on Governor and Other State Officers, etc.

By Mr. Lindsay: "A proposition to amend Article III, Section twenty-nine of the Constitution, providing for the occupation of prisoners sentenced to the several state prisons, penitentiaries, jails and reformatories and the disposal of the products of their labor" (Int. No. 243), which was read twice, ordered printed and referred to the Committee on Prisons, etc., and the Prevention and Punishment of Crime.

Also, "A proposition to amend Article III, Section two, and Article X, Section six, of the Constitution, providing for biennial sessions of the Legislature, extending the terms of office of its members, fixing the time when the political year and legislative term shall begin and the time when the Legislature shall assemble" (Int. No. 244), which was read twice, ordered printed and referred to the Committee on The Legislature, its Organization, etc.

Mr. Marshall offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Bill of Rights be discharged from the further consideration of proposed amendment (No. 204, Int. No. 203) entitled "Proposed Constitutional Amendment to amend Section nine of Article I of the Constitution, to provide for the regulation of strikes, lockouts and industrial differences

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and that the same be referred to the Committee on Industrial Interests and Relations.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. J. L. O'Brian, from the Committee on Rules, presented the following report:

The Committee on Rules as a supplemental report recommends the adoption of the following:

Resolved, That John J. O'Connor be employed by this Convention as secretary to Vice-President O'Brien at a compensation of $10 per day.

Mr. President put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative.

Messrs. Whipple, Tuck and Stanchfield were excused from the session of to-day.

Mr. Cullinan was excused from the sessions of to-day and to-morrow.

Mr. V. M. Allen was excused indefinitely on account of illness.

On motion of Mr. J. L. O'Brian, the Convention adjourned.

WEDNESDAY, MAY 19, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. Clement G. Martin.

On motion of Mr. J. L. O'Brian, the journal of Friday, May 14th, was approved.

Mr. M. Saxe presented the memorial of the board of trustees of The Sheltering Arms, which was referred to the Committee on Taxation.

Mr. Rodenbeck offered for the consideration of the Convention a resolution, in the words following:

Resolved, That in presenting reports to this Convention each committee be required to accompany its report with a concise statement of the reasons for each proposed amendment recommended

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by it, and that these reasons be printed in connection with the proposed amendment.

which was referred to the Committee on Rules.

The Secretary called the roll by districts when the following propositions were introduced:

By Mr. C. A. Webber: "A proposition to amend Article III by adding a new section intended to deter the passage of so-called 'ripper' or patronage bills" (Int. No. 245), which was read twice, ordered printed and referred to the Committee on Legislative Powers.

By Mr. Berri: "A proposition to amend Sections one, two, and three of Article V by making provision for a short ballot to consist of the Governor, Lieutenant-Governor, and Comptroller, and making other State officers appointive unless the people, through the legislative representatives, shall provide for their election as herein provided for, and by adding a new section, to be known as Section ten, providing for a State officer to be known as the Commissioner of Labor" (Int. No. 246), which was read twice, ordered printed and referred to the Committee on Governor and Other State Officers, etc.

By Mr. A. E. Smith: "A proposition to amend Section one of Article II of the Constitution, relative to permitting certain railroad employees absent from their places of residence to vote at general elections" (Int. No. 247), which was read twice, ordered printed and referred to the Committee on Suffrage.

By Mr. Baldwin: "A proposition to amend Section six of Article I of the Constitution, in relation to the public uses for which private property may be taken" (Int. No. 248), which was read twice, ordered printed and referred to the Committee on Bill of Rights.

By Mr. Olcott: "A proposition to amend the Constitution by adding a new article creating public utilities commissions, and prescribing their jurisdiction, powers and duties" (Int. No. 249), which was read twice, ordered printed and referred to the Committee on Public Utilities.

By Mr. Griffin: "A proposition to amend Section one of Article III of the Constitution, defining the legislative power and prohibiting its delegation or surrender" (Int. No. 250), which

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was read twice, ordered printed and referred to the Committee on Legislative Powers.

By Mr. C. H. Young: "A proposition to amend Section fourteen of Article VI of the Constitution, in relation to county courts, the city court of the city of New York and the court of general sessions in the county of New York" (Int. No. 251), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Dunmore: "A proposition to amend Section six of Article seventeen of the Constitution, in relation to the jurisdiction of justices of the peace and district court justices in cities" (Int. No. 252), which was read twice, ordered printed and referred to the Committee on Judiciary.

Also, "A proposition to amend Section eighteen of Article VI of the Constitution, in relation to the territorial jurisdiction of inferior local courts" (Int. No. 253), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. R. B. Smith: "A proposition to amend Section one of Article XII of the Constitution, in relation to the delegation by the Legislature to cities and villages of power of local legislation" (Int. No. 254), which was read twice, ordered printed and referred to the Committee on Cities.

Also, "A proposition to amend Section twenty of Article VI of the Constitution, in relation to eligibility to judicial office" (Int. No. 255), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Cobb (by request): "A proposition to amend Section eighteen of Article VI of the Constitution, in relation to inferior local courts" (Int. No. 256), which was read twice, ordered printed and referred to the Committee on Judiciary.

Also, "A proposition to amend Sections one and two of Article XIV of the Constitution, with relation to future amendments" (Int. No. 257), which was read twice, ordered printed and referred to the Committee on Future Amendments.

By Mr. Green: "A proposition to amend Article V of the Constitution, in relation to the retirement on half pay of the Civil War veterans who are civil service employees" (Int. No. 258),

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which was read twice, ordered printed and referred to the Committee on Civil Service.

By Mr. Betts: "A proposition to amend Section four of Article III of the Constitution, in relation to enumeration and the reapportionment of senatorial districts" (Int. No. 259), which was read twice, ordered printed and referred to the Committee on Legislative Organization.

Mr. J. L. O'Brian, from the Committee on Rules, presented the following report:

The Committee on Rules as a supplemental report recommends the adoption of the following: Resolved, That the resignation of Herbert T. Reed as tally clerk be accepted; that he be employed as clerk to the Committees on Charities and County Officers at a compensation of $7.00 per day, and that Ralph E. Briggs be employed as stenographer to said committees at a compensation of $5.00 per day, and that William F. Brennan and Edward Van Cott be employed as clerk and stenographer, respectively, to the Committee on Legislative Powers at a compensation of $10.00 per day and $5.00, respectively.

Mr. President put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative.

By unanimous consent, Mr. J. L. O'Brian offered for the consideration of the Convention a resolution, in the words following:

Resolved, That Harvey B. Dingman be, and he hereby is, appointed superintendent of documents in place of Benjamin W. Loring, resigned.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

By unanimous consent, Mr. J. L. O'Brian offered for the consideration of the Convention a resolution, in the words following:

Resolved, That no person be admitted to the document room except the superintendent of documents, the assistant superintendent of documents and the clerks employed under them.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. J. L. O'Brian, from the Committee on Rules, presented the following report:

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The Committee on Rules, Contingent Expenses, and Printing, after giving consideration to all of the various resolutions introduced relating to the subject of printing and distributing of records of this Convention, do hereby jointly recommend that the annexed rules, numbered 70 and 71, be adopted by this Convention in lieu of rules numbered 70 and 71 of the existing rules of the Convention.

JOHN LORD O'BRIAN,
For the Committee on Rules.
SAMUEL K. PHILLIPS,
For the Committee on Contingent Expenses.
WILLIAM BERRI,
For the Committee on Printing.

Rule 70. There shall be printed as of course and without any special order 1,500 copies of the Journal, 500 copies of the Calendar, 2,500 copies of each Proposed Constitutional Amendment, and 3,500 copies of each report and minority report of a committee on the subject of constitutional revision or amendment in which are set forth the reasons for their recommendation, to be printed as documents; 500 copies of each other document and 3,500 copies of the Record of the proceedings of the Convention.

Rule 71. The printed copies provided for in Rule 70 shall be disposed of as follows:

There shall be reserved for binding 1,200 copies of the Journal, 1,200 copies of the reports, 1,200 copies of the Record of the proceedings.

The copies so reserved for binding shall be folded, collated and held by the printer until the close of the Convention, when they shall be bound as directed by the President or the Convention, and distributed as follows:

To each member of the Convention, 2 copies.
To the State Library, 5 copies.
To the Legislative Library, 5 copies.
To the office of each county clerk, 1 copy.
To each public library of the State, 1 copy.
To each bar association of the State, 1 copy.
To each college and university of the State, 1 copy, and the remaining copies shall be distributed as designated by the President or the Convention.

The printed copies provided for in Rule 70 and not reserved for binding shall be disposed of as follows:

One copy of each shall be placed upon the file of each member of the Convention, and one additional copy shall be delivered or mailed to each member as he shall direct.

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Two copies of each shall be placed in the Legislative Library for use of members of the Convention.

One hundred copies shall be reserved for the use of the officers of the Convention, the State Library, the Department of Education, the Legislative Index Publishing Company, and the document room reserve.

Copies of the proposed constitutional amendment, of the reports, and of the Record shall be mailed daily to daily newspapers and weekly to all other newspapers and to each public library of the State, each bar association of the State, each law school of the State, each college and university of the State, and to such other institutions, newspapers and individuals as shall apply therefor and can be supplied from the number printed not necessary for the current work of the Convention.

Two copies of Proposed Constitutional Amendments and two copies of reports for each member of the committees having duty in relation thereto shall be delivered to the clerks of such committees.

The balance of printed copies provided for and not reserved for binding shall be distributed in the order of application therefor by the members of the Convention.

Mr. Wiggins moved to amend Rule 71, line 10, by striking out "2" and inserting "4".

Debate was had.

Mr. President put the question whether the Convention would agree to said motion, and it was determined in the negative.

Mr. President put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative.

Mr. J. L. O'Brian submitted the following:

The Committee on Rules recommends the adoption of the following resolution: Resolved, That the chairmen of committees be requested to instruct their clerks to cause as early notice as practicable of hearings and meetings to be filed with the Secretary of the Convention, and that the Secretary cause a consolidated calendar of such hearings and meetings to be posted and kept posted on the bulletin board, showing the day and hour and place and, in the case of hearings, the subject thereof.

Mr. President put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative.

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Mr. J. L. O'Brian, from the Committee on Rules, presented the following report:

The Committee on Rules, to which was referred the resolution offered by Mr. M. Saxe on April 7, 1915, respectfully reports as a substitute therefor the following resolution, and recommends its adoption:

Whereas, On the 15th day of June next occurs the Seven Hundredth Anniversary of the adoption of the Great Charter of English liberty;

Resolved, That this Convention commemorate said event on that day by appropriate exercises; and,

Resolved, That the President be and he is hereby authorized to appoint a committee to make the necessary arrangements therefor, with authority to the committee to use the Convention chamber for that purpose at a time when the Convention shall not be in session.

Debate was had.

On motion of Mr. Schurman, said resolution was recommitted to the Committee on Rules.

Mr. J. L. O'Brian, from the Committee on Rules, reported in favor of the adoption of said resolution amended by adding thereto the following:

Resolved, That the President of the Convention be invited to address the Convention on that occasion.

Mr. Vice-President Schurman put the question whether the Convention would agree to said resolution as amended, and it was determined in the affirmative.

On motion of Mr. J. L. O'Brian, the Convention adjourned.

THURSDAY, MAY 20, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. Wm. F. O'Connor.

On motion of Mr. Wickersham, the journal of Tuesday, May 18th, was approved.

Mr. President announced the designation of Maurice Rodesk legislative correspondent of the New York Jewish Daily News, pursuant to Rule 54.

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Mr. Marshall offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Governor is respectfully requested, if in his judgment it shall seem proper, to cause a report to be prepared by such agency as he may select and to transmit the same to the Convention at his earliest convenience, with respect to the following matters:

1. The number of prisoners confined in the several State prisons, reformatories and penitentiaries of the State on January 1, 1915.

2. The number of applications for pardon and commutation of sentence, respectively, filed in the Executive Department during each of the years from 1900 to 1915.

3. The number of pardons and commutations of sentence, respectively, granted or refused in each of the said years.

4. The number of applications for pardons and commutations of sentence, respectively, pending and undetermined in the Executive Department on January 1, 1915.

5. The number of applications for pardon and commutation of sentence, respectively, filed in the Executive Department since January 1, 1915.

6. The number of applications for pardon and commutation of sentence, respectively, disposed of and the disposition made of them since January 1, 1915.

which was referred to the Committee on Library and Information.

Mr. Quigg offered for the consideration of the Convention a resolution, in the words following:

Resolved (1), That the Legislature should be composed, as at present, of two houses.

Resolved (2), That it is undesirable that the membership of either house should be increased.

Resolved (3), That the holding of annual sessions is expedient.

which was referred to the Committee on Legislative Organization.

Mr. Rodenbeck offered for the consideration of the Convention a resolution, in the words following:

Whereas, The Constitution in its present form is wholly lacking in any uniformity in capitalization, the same words appearing sometimes in the same section, capitalized and uncapitalized, and it is important that this fundamental document should be as perfect grammatically as it is possible to make it.

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Resolved, That in the revision and engrossment of the Constitution the Committee on Revision and Engrossment be authorized and directed to adopt a uniform system of capitalization and apply the same, without indicating the changes made, not only to amendments proposed to the Constitution, but to sections and parts of sections to which no amendments are proposed, so that the entire Constitution may be uniform in this respect.

Said resolution giving rise to debate, ordered that the same be laid upon the table.

Mr. Curran offered for the consideration of the Convention a resolution, in the words following:

Whereas, It is not only desirable that the citizens of the State should be advised of proposed amendments to the Constitution but that this Convention should be informed of any suggestions that any citizen of the State desires to present to the Convention for its consideration.

Resolved, That the heads of the various departments and branches of the State government and of the political subdivisions thereof, and all other public officers and the heads of educational and financial institutions, labor and industrial organizations and the public generally be invited to present through their respective representatives in this Convention suggestions for proposed amendments to the Constitution in some appropriate manner to be determined by the Committee on Rules.

Said resolution giving rise to debate, ordered that the same be laid upon the table.

The Secretary called the roll by districts when the following propositions were introduced:

By Mr. Coles: "A proposition to amend Section seventeen of Article VI of the Constitution by providing that the Legislature may prescribe qualifications for justices of the peace" (Int. No. 260), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Weed (by request): "A proposition to amend Article I, Section eight, providing for compensation for private property injured by public use" (Int. No. 261), which was read twice, ordered printed and referred to the Committee on Bill of Rights.

By Mr. Reeves (by request): "A proposition to amend Article VI of the Constitution, relating to the judiciary, generally" (Int.

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No. 262), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Heyman: "A proposition to amend Section nine of Article V of the Constitution, in relation to removals" (Int. No. 263), which was read twice, ordered printed and referred to the Committee on Civil Service.

By Mr. Mann: "A proposition to amend Section two of Article VII, relative to a direct tax for the maintenance and conduct of the State government" (Int. No. 264), which was read twice, ordered printed and referred to the Committee on Taxation.

Also, "A proposition to amend Section nine of Article V, relative to fixed compensations of public officials within the civil service" (Int. No. 265), which was read twice, ordered printed and referred to the Committee on Civil Service.

Also, "A proposition to amend Section twenty of Article III, relative to legislative appropriation of public funds for private or local purposes" (Int. No. 266), which was read twice, ordered printed and referred to the Committee on the State Finances, Revenues and Expenditures.

Also, "A proposition to amend Section six of Article I, relative to indictments and hearings, and relative to the failure of defendants to testify" (Int. No. 267), which was read twice, ordered printed and referred to the Committee on Bill of Rights.

Also, "A proposition to amend Section two of Article I, relative to waiver of a trial by jury and the number of jurors to determine a verdict" (Int. No. 268), which was read twice, ordered printed and referred to the Committee on Bill of Rights. A printed copy to be sent to the Committee on Judiciary with authority to report such opinions thereon as it may deem advisable.

By Mr. Marshall: "A proposition to repeal Section five of Article IV of the Constitution, relating to the pardoning power of the Governor, and to amend sections eleven and twelve of Article VIII of the Constitution so as to provide for the creation of a State Board of Pardons, and the transfer to it of the pardoning power now vested in the Governor" (Int. No. 269), which was read twice, ordered printed and referred to the Committee on Prisons, etc., and the Prevention and Punishment of Crime.

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By Mr. Parsons (by request): "A proposition to amend Article V of the Constitution, in relation to establishing the industrial board and prescribing its powers and duties" (Int. No. 270), which was read twice, ordered printed and referred to the Committee on Industrial Interests and Relations.

By Mr. Donovan: "A proposition to amend Article II of the Constitution, in relation to compulsory registration and voting" (Int. No. 271), which was read twice, ordered printed and referred to the Committee on Suffrage.

By Mr. Vanderlyn (by request): "A proposition to amend Section one of Article XII of the Constitution, in relation to funded debt of municipalities" (Int. No. 272), which was read twice, ordered printed and referred to the Committee on Counties, Towns and Villages, their Organization, Government, etc.

By Mr. Ostrander: "A proposition to amend Section twenty of Article VI of the Constitution, in relation to fees of judicial officers" (Int. No. 273), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Fobes: "A proposition to amend Section seven of Article VI of the Constitution, with relation to the continuance of the Court of Appeals, and the salaries of the judges thereof" (Int. No. 274), which was read twice, ordered printed and referred to the Committee on Judiciary.

By R. B. Smith: "A proposition to amend Article III, Section seventeen of the Constitution, in relation to references in a bill to existing law" (Int. No. 275), which was read twice, ordered printed and referred to the Committee on Legislative Powers.

By Mr. Schurman: "A proposition to amend Article III of the Constitution, in relation to the compensation of the Senate and the terms of its members, and Section one of Article XIV, in relation to constitutional amendments" (Int. No. 276), which was read twice, ordered printed and referred to the Committee on The Legislature, its Organization, etc. A printed copy to be sent to the Committee on Future Amendments and Revisions of the Constitution with authority to report such opinions thereon as it may deem advisable.

By Mr. Rodenbeck: "A proposition to amend Section twenty-one of Article VI of the Constitution, in relation to the publication

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of rules of court and requiring the Legislature to provide for a classification and arrangement of the law, with a view to facilitating the examination of the statutes and judicial decisions" (Int. No. 277), which was read twice, ordered printed and referred to the Committee on Judiciary.

Also, "A proposition to amend Section two of Article I of the Constitution, in relation to authorizing the Legislature to provide for trial without a jury of certain actions now triable by a jury" (Int. No. 278), which was read twice, ordered printed and referred to the Committee on Bill of Rights. A printed copy to be sent to the Committee on Judiciary with authority to report such opinions thereon as it may deem advisable.

By Mr. Lindsay (by request): "A proposition to amend Article I, Section fifteen of the Constitution of the State of New York, in relation to courts for Indians" (Int. No. 279), which was read twice, ordered printed and referred to the Committee on Relations to the Indians.

By Mr. J. L. O'Brian: "A proposition to amend the Constitution by inserting a new Article XII in place of the old Article XII of the Constitution, in order to regulate legislation concerning cities and villages and guarantee to them the right of municipal self-government" (Int. No. 280), which was read twice, ordered printed and referred to the Committee on Cities.

Mr. J. L. O'Brian, from the Committee on Rules, presented the following report:

The Committee on Rules, as a supplemental report, recommends the adoption of the following:

Resolved, That Vivany Moore be employed by this Convention as messenger for Vice-President O'Brien at a compensation of $3 per day.

Resolved, That the Secretary be instructed to notify forthwith the Superintendent of Public Buildings that this Convention requires the offices of the Clerk of the Senate and the Financial Clerk of the Senate for the use of Vice-President O'Brien.

Mr. President put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative.

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Mr. S. K. Phillips, from the Committee on Contingent Expenses, presented the following report:

The Committee on Contingent Expenses submits for the information of the delegates the following statement and estimate of the expenses of the Convention as indicated by action taken prior to and including this date:

Salaries of delegates	$252,000 00
Estimated mileage	5,040 00
Salaries of officers	85,339 00
Printing (estimated)	50,000 00
Official stenographer's assistants, etc. (estimated)	10,000 00
Drinking water	416 50
Postage and express (estimated)	8,500 00
Stationery supplies (incurred)	8,170 49
Stationery supplies (to be incurred)	10,000 00
	$429,465 99

Dated May 19, 1915.

SAMUEL K. PHILLIPS,
Chairman,
THOMAS N. MULRY,
ALAN C. FOBES,
SEVERYN B. SHARPE,
GORDON KNOX BELL,
WM. N. DYKMAN,
CHARLES B. SEARS.

On motion of Mr. Parsons, a copy of Proposed Amendment No. 249, Int. No. 246, was ordered sent to the Committee on Industrial Interests and Relations with authority to report such opinions thereon as it may deem advisable.

On motion of Mr. Low, a copy of Proposed Amendment No. 146, Int. No. 146, was ordered sent to the Committee on Cities with authority to report such opinions thereon as it may deem advisable.

By unanimous consent, Mr. M. J. O'Brien presented the report of the New York State Constitutional Convention Commission, which was ordered printed as a document.

Messrs. Quigg, Landreth and Wood were excused from the sessions of to-morrow.

On motion of Mr. Wickersham, the Convention adjourned.

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FRIDAY, MAY 21, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. R. H. Brooks.

On motion of Mr. Wickersham, the journal of Wednesday, May 19th, was approved.

Mr. Haffen offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on The Legislature, its Organization, etc., be hereby directed to study and examine the subjoined comparative table of Assembly district apportionments before taking final action on the question of reporting proposal number 174 heretofore referred to such committee, namely: Comparative figures, in parallel columns, by counties, in explanation and elucidation of the proposed apportionment of Assemblymen and the creation of Assembly districts.

APPORTIONMENT OF ASSEMBLYMEN; CREATION OF ASSEMBLY DISTRICTS

As per Section five, Article three, Constitution of the State of New York in the year 1894: New York, 35; Kings, 21; Queens, 3; Richmond, 1; Broome, 2; Erie, 8; Monroe, 4; Onondaga, 4; Schenectady, 1; Westchester, 3; Albany, 4; Cattaraugus, 2; Cayuga, 2; Oswego, 2; Rensselaer, 3; Allegany, 1; Chautauqua, 2; Chemung, 1; Chenango, 1; Clinton, 1; Columbia, 1; Cortland, 1; Delaware, 1; Dutchess, 2; Essex, 1; Franklin, 1; Fulton and Hamilton, 1; Genesee, 1; Greene, 1; Herkimer, 1; Jefferson, 2; Lewis, 1; Livingston, 1; Madison, 1; Montgomery, 1; Niagara, 2; Oneida, 3; Ontario, 1; Orange, 2; Orleans, 1; Otsego, 1; Putnam, 1; Rockland, 1; St. Lawrence, 2; Saratoga, 1; Schoharie, 1; Schuyler, 1; Seneca, 1; Steuben, 2; Suffolk, 2; Sullivan, 1; Tioga, 1; Tompkins, 1; Ulster, 2; Warren, 1; Washington, 1; Wayne, 1; Wyoming, 1; Yates, 1; Total, 150.

As per Chapter 727 of the Laws of 1907, by the Legislature: New York, 35; Kings, 23; Queens, 4; Richmond, 1; Broome, 1; Erie, 9; Monroe, 5; Nassau, 1; Onondaga, 3; Schenectady, 1; Westchester, 4; Albany, 3; Cattaraugus, 1; Cayuga, 1; Oswego, 1; Rensselaer, 2; Allegany, 1; Chautauqua, 2; Chemung, 1; Chenango, 1; Clinton, 1; Columbia, 1; Cortland, 1; Delaware, 1; Dutchess, 2; Essex, 1; Franklin, 1; Fulton and Hamilton, 1; Genesee, 1; Greene, 1; Herkimer, 1; Jefferson, 2; Lewis, 1; Livingston, 1; Madison, 1; Montgomery, 1; Niagara, 2; Oneida,

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3; Ontario, 1; Orange, 2; Orleans, 1; Otsego, 1; Putnam, 1; Rockland, 1; St. Lawrence, 2; Saratoga, 1; Schoharie, 1; Schuyler, 1; Seneca, 1; Steuben, 2; Suffolk, 2; Sullivan, 1; Tioga, 1; Tompkins, 1; Ulster, 2; Warren, 1; Washington, 1; Wayne, 1; Wyoming, 1; Yates, 1; Total, 150.

As per Proposed Amendment of Article three, Section five, of the Constitution of 1894, introduced as No. 174, by Mr. Haffen, in Convention, May 12, 1915: New York, 30; Bronx, 9; Kings, 27; Queens, 6; Richmond, 2; Broome, 2; Erie, 10; Monroe, 6; Nassau, 2; Onondaga, 4; Schenectady, 2; Westchester, 5; Albany, 3; Cattaraugus, 1; Cayuga, 1; Oswego, 1; Rensselaer, 2; Allegany, 1; Chautauqua, 2; Chemung, 1; Chenango, 1; Clinton, 1; Columbia, 1; Cortland, 1; Delaware, 1; Dutchess, 2; Essex, 1; Franklin, 1; Fulton and Hamilton, 1; Genesee, 1; Greene, 1; Herkimer, 1; Jefferson, 2; Lewis, 1; Livingston, 1; Madison, 1; Montgomery, 1; Niagara, 2; Oneida, 3; Ontario, 1; Orange, 2; Orleans, 1; Otsego, 1; Putnam, 1; Rockland, 1; St. Lawrence, 2; Saratoga, 1; Schoharie, 1; Schuyler, 1; Seneca, 1; Steuben, 2; Suffolk, 2; Sullivan, 1; Tioga, 1; Tompkins, 1; Ulster, 2; Warren, 1; Washington, 1; Wayne, 1; Wyoming, 1; Yates, 1; Total, 168.

The proposed Assembly representation apportioned as above is based upon figures computed from data secured from the latest censuses of the Nation and the State; the number of Assemblymen given to each county is founded upon the ratio of population of males twenty-one years of age and over, excluding aliens, residing in each of the counties of the State; but every county, except Hamilton, is to have at least one representative in the Assembly, notwithstanding its population; the idea is to retain the lower house of the Legislature — the Assembly — as a popular house; that is, to preserve to the people of each county the constitutional right of their direct choice in the selection of a representative or representatives residing in the county to voice their views on local, as well as general, questions affecting their interests.

which was referred to the Committee on The Legislature, its Organization, etc.

The Secretary called the roll by districts and the following propositions were introduced:

By Mr. Adams: "A proposition to amend Section nine of Article V of the Constitution, in relation to employees in the civil service of the State" (Int. No. 281), which was read twice, ordered printed and referred to the Committee on Civil Service.

By Mr. Mann: "A proposition to amend Section seven of Article I, relative to restrictions to be placed upon the use of lands

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and cities" (Int. No. 282), which was read twice, ordered printed and referred to the Committee on Bill of Rights. A printed copy to be sent to the Committee on Cities with authority to report such opinions thereon as it may deem advisable.

Also, "A proposition to amend Section twenty-four of Article III, relative to the imposition of taxes and enforcement of penalties" (Int. No. 283), which was read twice, ordered printed and referred to the Committee on Taxation.

Also, "A proposition to amend Section nine of Article V, relative to civil service employees" (Int. No. 284), which was read twice, ordered printed and referred to the Committee on Civil Service.

Also, "A proposition to amend Section one of Article II, relative to absent electors" (Int. No. 285), which was read twice, ordered printed and referred to the Committee on Suffrage.

By Mr. Parsons: "A proposition to amend Sections one, four and six of Article II of the Constitution on the following subjects: Providing that voters may only vote where they have their domicile; providing that registration shall take place one hundred and fifty days before election; and eliminating the requirement of bipartisan boards of registration" (Int. No. 286), which was read twice, ordered printed and referred to the Committee on Suffrage.

By Mr. Meigs: "A proposition to amend Section one of Article II of the Constitution, in relation to the qualifications of electors" (Int. No. 287), which was read twice, ordered printed and referred to the Committee on Suffrage.

By Mr. R. B. Smith: "A proposition to amend Article III, Section twenty-seven of the Constitution, in relation to the delegation by the Legislature to boards of supervisors of local legislative powers" (Int. No. 288), which was read twice, ordered printed and referred to the Committee on Counties, Towns and Villages, their Organization, Government, etc.

Also, "A proposition to amend Article III, Section twenty-eight of the Constitution, in relation to the granting of extra compensation by the Legislature and other legislative bodies" (Int. No. 289), which was read twice, ordered printed and referred to the Committee on Legislative Powers.

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Also, "A proposition to amend Article III and Article IV, Sec- Constitution, in relation to the powers of each house of the Legislature" (Int. No. 290), which was read twice, ordered printed and referred to the Committee on Legislative Powers.

Also, "A proposition to amend Article III and Article IV, Section four of the Constitution, in relation to extraordinary sessions of the Legislature and the Assembly" (Int. No. 291), which was read twice, ordered printed and referred to the Committee on Legislative Powers. A printed copy to be sent to the Committee on Governor, and Other State Officers, etc., with authority to report such opinions thereon as it may deem advisable.

By Mr. Leggett: "A proposition to amend Section two of Article I of the Constitution, relating to trial by jury" (Int. No. 292), which was read twice, ordered printed and referred to the Committee on Bill of Rights.

Also, "A proposition to amend Article IV of the Constitution by inserting an additional section relating to appointments by the Governor" (Int. No. 293), which was read twice, ordered printed and referred to the Committee on Governor and Other State Officers, etc.

By Mr. Tuck: "A proposition to amend Section six of Article III of the Constitution by increasing the salaries of members of the Legislature and providing for the payment of their actual expenses for transportation" (Int. No. 294), which was read twice, ordered printed and referred to the Committee on The Legislature, its Organization, etc.

Mr. Wickersham, from the Committee on Library and Information, presented the following report:

The Committee on Library and Information, to which was referred the resolution relative to obtaining certain information from the Secretary of State as to the number of electors who voted at any election at which any constitutional amendment or amendments was submitted to the people, introduced by Mr. Dunmore May 11, 1915, reports that the information requested by the resolution is to be found in the Legislative Manual for 1915, at pages 214 to 219, inclusive, and, therefore, in the opinion of the committee the resolution is unnecessary.

JESSE S. PHILLIPS, *Chairman.*

which report was agreed to.

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Mr. Wickersham, from the Committee on Library and Information, presented the following report:

The Committee on Library and Information, to which was referred the resolution relative to obtaining certain information from the Comptroller as to the cost of the legislative branch of the government, from the year 1901 to the year 1915, introduced by Mr. McKinney May 7, 1915, reports that the information requested by the resolution is to be found in the annual report of the Comptroller for the year 1915 and preceding years, published by authority, to which reference should be made, and, therefore, in its opinion the resolution is unnecessary.

JESSE S. PHILLIPS, *Chairman.*

which report was agreed to.

Mr. Wickersham, from the Committee on Library and Information, presented the following report:

The Committee on Library and Information, to which was referred the resolution introduced by Mr. Marshall May 20, 1915, relative to obtaining certain information from the Executive Department as to the number of pardons and commutations, etc., reports in favor of the adoption of said resolution.

JESSE S. PHILLIPS, *Chairman.*

which report was agreed to.

Mr. President put the question whether the Convention would agree to said resolution by Mr. Marshall, and it was determined in the affirmative.

Mr. Wickersham, from the Committee on Library and Information, presented the following report:

The Committee on Library and Information, to which was referred the resolution relative to obtaining certain information from the Attorney-General, introduced by Mr. Cobb May 13, 1915; and the resolution referring to the same subject, introduced by Mr. Ostrander May 18, 1915, reports that it has considered both said resolutions and recommends the adoption of the following resolution in place of the resolutions above mentioned:

JESSE S. PHILLIPS, *Chairman.*

Resolved, That the Attorney-General be requested to furnish to this Convention, with all convenient speed, the following information relative to matters pending before the Court of Claims:

1. The number of claims pending, classified by the years in which the claims were filed.

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2. The amount involved in the claims so filed, also classified by years.

3. The number of claims adjusted without recourse to the Court of Claims or Board of Claims in each year of the last five years.

4. The total amount paid by the State in satisfaction of claims in each year of the last five years.

5. The geographical distribution of pending claims, stated by counties.

6. A classification of pending claims by number and amount involved, showing:

a. Claims arising from appropriations made by the State in the course of the Barge Canal improvement.

b. Cases on contract growing out of the Barge Canal improvement.

Further Resolved, That the Clerk of the Court of Claims and the Comptroller be and are hereby requested to transmit to this Convention, with all convenient speed, the following information relating to the Courts of Claims and the Boards of Claims and to matters pending and disposed of therein, during each of the ten years last past, so far as such information shall be of record in their respective offices, viz.:

1. The amount of salaries, fees, expenses and disbursements paid to all judges, attendants, clerks, stenographers and other employees, witnesses, counsel and agents.

2. The number of days of actual sittings of such Court or Board in each year.

3. The number of cases disposed of in each year and the aggregate of awards made in each year.

4. The number of cases disposed of in each year, in which the award was $500 or less and $200 or less, respectively, and the aggregate of such awards in each year.

5. The number of times the name of such Court or Board has been changed during said year, and the alleged reasons for such changes.

Further Resolved, That the Superintendent of Public Works, the State Engineer and Surveyor and the Attorney-General transmit to the Convention, at their earliest convenience, the following information relating to matters pending and disposed of during each of the ten years last past, before the Courts of Claims and the Boards of Claims, so far as such information shall be of record in their respective offices, viz.:

1. The amounts paid in each year to officers, employees, agents, investigators and representatives of such departments, respectively, for services, fees, expenses and disbursements in relation to matters before said Courts or Boards.

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2. The amounts paid or incurred for services, fees and expenses of witnesses, consulting experts, special counsel and otherwise in relation to matters before said Courts or Boards.

Mr. President put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative.

Pursuant to resolution, Mr. President announced the appointment of the following committee to make the necessary arrangements for the celebration of the Seven Hundredth Anniversary of the Adoption of the Great Charter of English Liberty: Messrs. M. Saxe, Gladding, Quigg, M. J. O'Brien and Stanchfield.

Mr. Rhees was excused from to-day's session.

Mr. Lindsay was excused from the session of Tuesday next.

On motion of Mr. Wickersham, the Convention adjourned.

TUESDAY, MAY 25, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. J. Addison Jones.

On motion of Mr. Wickersham, the journal of Thursday, May 20th, was approved.

Mr. President presented the communication of the Madison County Bar Association, which was referred to the Committee on Judiciary.

Also, the communication of the Society of Engineers of Eastern New York, which was referred to the Committee on Governor and Other State Officers, etc.

Also, the communication of the New York Masonic News Company, which was referred to the Committee on Cities.

Mr. President presented the communication of the clerk of the Court of Appeals in response to the resolution of the Convention transmitted May 6th, which was referred to the Committee on Judiciary.

Mr. Wickersham offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the communication of the Clerk of the Court

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of Appeals in response to the resolution of May 6th be printed as a document of the Convention.

which was referred to the Committee on Contingent Expenses.

On motion of Mr. Low, a printed copy of proposed amendment (No. 275, Int. No. 272) entitled "Proposed constitutional amendment to amend Section one of Article XII of the Constitution, in relation to funded debt of municipalities," was ordered sent to the Committee on Cities with authority to report such opinions thereon as it may deem advisable.

Mr. Parsons offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Suffrage be discharged from the further consideration of proposed amendment (No. 289, Int. No. 286) entitled "Proposed constitutional amendment to amend Sections one, four and six of Article II of the Constitution on the following subjects: providing that voters may only vote where they have their domicile; providing that registration shall take place one hundred and fifty days before election; and eliminating the requirement of bi-partisan boards of registration."

which was agreed to.

Said proposed amendment having been announced, on motion of Mr Parsons, the same was ordered reprinted to conform to the original draft and recommitted to said committee.

Mr. Eisner offered for the consideration of the Convention a resolution, in the words following:

Whereas, This Convention has, by resolution duly adopted, fixed the 15th day of June, 1915, for the observation of the Seven Hundredth Anniversary of the signing of Magna Charta; and,

Whereas, A Committee of this Convention is charged with the duty of making necessary and proper arrangements for the said celebration; and,

Whereas, It is most fitting that the distinguished living historian of the American people be among those who are to address the Convention on said occasion, which commemorates an event that has found its reflection in the liberties of our people; now, therefore, be it

Resolved, That the Committee of this Convention in charge of the arrangements for the observation of the Seven Hundredth Anniversary of Magna Charta be and it is hereby requested respectfully to invite Woodrow Wilson, President of the United States, to address this Convention on the said occasion.

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which was referred to the Committee appointed to arrange for a fitting celebration of the Seven Hundredth Anniversary of the granting of the Magna Charta.

Mr. Griffin offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Library and Information ascertain, as speedily as possible, from the commissioners of the sinking fund of the city of New York and the proper authorities in other first class cities in the State of New York, the following information:

1. The names and addresses of societies receiving fines, penalties and license fees pursuant to statutes of this State.
2. The amount of fines, penalties and licenses paid to each of said societies during the last fiscal year.
3. The statutes of this State under which said fines, penalties and licenses are paid, and be it further

Resolved, That the said information, when obtained be transmitted to the Committee on Legislative Powers and the Committee on Taxation and be printed as a document of this Convention.

which was referred to the Committee on Library and Information.

Mr. Whipple offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Superintendent of Public Buildings be requested to make the necessary arrangements whereby at least one of the elevators of the Capitol shall run each evening, except Sunday, until ten o'clock.

which was referred to the Committee on Rules.

The Secretary called the roll by districts when the following propositions were introduced:

By Mr. Bannister: "A proposition to amend Section seven of Article VII of the Constitution, in relation to the prevention of pollution of the waters of the State" (Int. No. 295), which was read twice, ordered printed and referred to the Committee on Conservation of Natural Resources.

By Mr. Brenner: "A proposition to amend Section twelve of Article I of the Constitution, abolishing inchoate right of dower" (Int. No. 296), which was read twice, ordered printed and referred to the Committee on Bill of Rights.

By Mr. M. Saxe: "A proposition to amend Section nine of

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Article V of the Constitution, so as to provide for a system of retirement and annuities for state civil service employees" (Int. No. 297), which was read twice, ordered printed and referred to the Committee on Civil Service.

By Mr. Bernstein: "A proposition to amend section four of Article III of the Constitution, providing for enumerations and reapportionments and for an equitable apportionment of Senate districts" (Int. No. 298), which was read twice, ordered printed and referred to the Committee on The Legislature, its Organization, etc.

Also, "A proposition to amend Sections one and two of Article III of the Constitution, so as to provide for a unicameral Legislature, composed of a Senate of one hundred members, two of whom shall be elected from each Senate district" (Int. No. 299), which was read twice, ordered printed and referred to the Committee on The Legislature, its Organization, etc.

By Mr. Dunlap (by request): "A proposition to amend Article VIII, by adding a new section, to be numbered sixteen, to provide for the maintenance and support of the State Department of Health" (Int. No. 300), which was read twice, ordered printed and referred to the Committee on Governor and Other State Officers.

By Mr. E. N. Smith: "A proposition to amend Section eighteen of Article VI of the Constitution, by increasing the jurisdiction of inferior local courts" (Int. No. 301), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Gladding: "A proposition to amend the first twelve sections of Article VI of the Constitution, unifying the Court of Appeals with the Supreme Court, making the Court of Appeals a division of the Supreme Court, and making the Supreme Court in fact which it is now in name the Supreme Court of the State" (Int. No. 302), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. R. B. Smith: "A proposition to amend Section twenty-four of Article III of the Constitution, in relation to bills imposing a direct state-wide tax" (Int. No. 303), which was read twice, ordered printed and referred to the Committee on Legis-

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lative Powers. A printed copy to be sent to the Committee on Taxation with authority to report such opinions thereon as it may deem advisable.

By Mr. Betts: "A proposition to amend Section nine of Article IV of the Constitution, in relation to the approval of bills by the Governor after adjournment of the Legislature (Int. No. 304), which was read twice, ordered printed and referred to the Committee on Governor and Other State Officers, etc.

By Mr. Kirby: "A proposition to amend Section six of Article I of the Constitution, permitting judgment to be pronounced upon a plea of guilty before a committing magistrate, without indictment in certain cases" (Int. No. 305), which was read twice, ordered printed and referred to the Committee on Bill of Rights. A printed copy to be sent to the Committee on Judiciary with authority to report such opinions thereon as it may deem advisable.

On motion of Mr. Wickersham, the Convention adjourned.

WEDNESDAY, MAY 26, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. W. H. Stubblebine.

On motion of Mr. Wickersham, the journal of Friday, May 21st, was approved.

Mr. Wiggins offered for the consideration of the Convention a resolution, in the words following:

Resolved, That when the Convention adjourns on Friday of this week, that it adjourn to meet on Wednesday, June the 2d, at 12 M.

Said resolution giving rise to debate, ordered that the same be laid upon the table.

On motion of Mr. Low, a printed copy of proposed amendment (No. 269, Int. No. 265) entitled "Proposed constitutional amendment to amend Section nine of Article V, relative to fixed compensations of public officials within the civil service," was ordered

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sent to the Committee on Cities with authority to report such opinions thereon as it may deem advisable.

The Secretary called the roll by districts when the following propositions were introduced:

By Mr. McKinney: "A proposition to amend Section three of Article VI of the Constitution, by inserting a new clause relating to the power of the courts to annul acts of the Legislature" (Int. No. 306), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Ryan: "A proposition to amend Section seventeen of Article VI of the Constitution, in relation to the removal and tenure of office of certain local judicial officers" (Int. No. 307), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Reeves (by request): "A proposition to amend the Constitution, by substituting new sections in Article VI, relating to the judicial system of the State, generally" (Int. No. 308), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Brenner: "A proposition to amend Section ten of Article VI of the Constitution, renominating incumbents of office of the chief justice of the Court of Appeals, the judges of the Court of Appeals and justices of the Supreme Court" (Int. No. 309), which was read twice, ordered printed and referred to the Committee on Judiciary.

Also, "A proposition to amend Article III of the Constitution, in relation to exemptions from jury service" (Int. No. 310), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Sargent: "A proposition to amend Section two of Article VI of the Constitution, in relation to assignments and rotation of justices of the Supreme Court" (Int. No. 311), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Baldwin: "A proposition to amend Article VII, Section seven of the Constitution, in relation to the use by or sale to a municipal corporation for water supply purposes of lands of the State now owned or hereafter acquired" (Int. No. 312), which was read twice, ordered printed and referred to the Committee on

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Conservation. A printed copy to be sent to the Committee on Cities with authority to report such opinions thereon as it may deem advisable.

By Mr. Low (by request): "A proposition to amend Articles III, X and XII of the Constitution, in relation to the powers of local government of counties, cities and villages" (Int. No. 313), which was read twice, ordered printed and referred to the Committee on Cities. A printed copy to be sent to the Committee on Counties, Towns and Villages, their Organization, Government, etc., with authority to report such opinions thereon as it may deem advisable.

By Mr. Wiggins: "A proposition to amend Articles III and XII of the Constitution, in relation to the powers of city authorities to fix the compensation and define the powers and duties of officers and employees of counties wholly within the city" (Int. No. 314), which was read twice, ordered printed and referred to the Committee on Cities. A printed copy to be sent to the Committee on Counties, Towns, and Villages, their Organization, Government, etc., with authority to report such opinions thereon as it may deem advisable.

By Mr. Barnes: "A proposition to amend Article III of the Constitution, relating to the powers of the Legislature" (Int. No. 315), which was read twice, ordered printed and referred to the Committee on Legislative Powers.

By Mr. Ostrander: "A proposition to amend Article VII of the Constitution, by adding a new section thereto in relation to determination of claims against the State" (Int. No. 316), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Bunce: "A proposition to amend Section five of Article III of the Constitution, relative to the apportionment of Assemblymen; creation of Assembly districts" (Int. No. 317), which was read twice, ordered printed and referred to the Committee on The Legislature, its Organization, etc.

By Mr. Meigs: "A proposition to amend Article III of the Constitution, in relation to abolishing exemptions from local taxation and providing for the repayment by the State of local taxes hereafter paid on property which would be exempt under present

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laws" (Int. No. 318), which was read twice, ordered printed and referred to the Committee on Taxation.

By Mr. L. M. Martin: "A proposition to amend Section two of Article X of the Constitution, in relation to the appointment of local officers and to legislation affecting such officers" (Int. No. 319), which was read twice, ordered printed and referred to the Committee on County, Town and Village Officers. A printed copy to be sent to the Committee on Cities with authority to report such opinions thereon as it may deem advisable.

By Mr. Dunmore: "A proposition to amend Section twenty-three of Article VI, in relation to abolishing courts of special sessions" (Int. No. 320), which was read twice, ordered printed and referred to the Committee on Judiciary.

Also, "A proposition to amend Section seven of Article I of the Constitution, in relation to taking private property for public use" (Int. No. 321), which was read twice, ordered printed and referred to the Committee on Bill of Rights. A printed copy to be sent to the Committee on Cities with authority to report such opinions thereon as it may deem advisable.

By Mr. Ryan: "A proposition to amend Section seven of Article I of the Constitution, in relation to laying out, opening, regulating and changing the grade of public streets or roads" (Int. No. 322), which was read twice, ordered printed and referred to the Committee on Bill of Rights. A printed copy to be sent to the Committee on Public Utilities with authority to report such opinions thereon as it may deem advisable.

By Mr. Dunmore: "A proposition to amend Section twenty-one of Article VI of the Constitution, in relation to the publication and distribution of statutes" (Int. No. 323), which was read twice, ordered printed and referred to the Committee on Judiciary.

Also, "A proposition to amend Section seventeen of Article III, in reference to the time legislative acts shall take effect" (Int. No. 324), which was read twice, ordered printed and referred to the Committee on Legislative Powers.

Also, "A proposition to amend Section one of Article X, in relation to terms of the office of sheriff" (Int. No. 325), which was

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read twice, ordered printed and referred to the Committee on County, Town and Village Officers.

By Mr. R. B. Smith: "A proposition to amend Section twenty-one of Article III of the Constitution, in relation to laws appropriating moneys" (Int. No. 326), which was read twice, ordered printed and referred to the Committee on Legislative Powers. A printed copy to be sent to the Committee on the State Finances, Revenues and Expenditures with authority to report such opinions thereon as it may deem advisable.

By Mr. Wadsworth: "A proposition to amend Article VIII, Sections eleven, twelve, thirteen and fifteen, in relation to the State Board of Charities, providing for visiting and inspecting of public and private institutions and societies" (Int. No. 327), which was read twice, ordered printed and referred to the Committee on Charities.

Also, "A proposition to amend Article VIII by adding thereto a new section, known as section sixteen, creating a State Commission in Lunacy" (Int. No. 328), which was read twice, ordered printed and referred to the Committee on Charities. A printed copy to be sent to the Committee on Governor and Other State Officers, etc., with authority to report such opinions thereon as it may deem advisable.

Also, "A proposition to amend Article VIII, by adding thereto a new section, known as section seventeen, creating a State Commission of Prisons" (Int. No. 329), which was read twice, ordered printed and referred to the Committee on Prisons, etc., and the Prevention and Punishment of Crime. A copy to be sent to the Committees on Charities and Governor and Other State Officers, etc., with authority to report such opinions thereon as they may deem advisable.

By Mr. Curran (by request): "A proposition to amend Section three of Article V of the Constitution, relative to the election of the Superintendent of Public Works" (Int. No. 330), which was read twice, ordered printed and referred to the Committee on Governor and Other State Officers, etc. A printed copy to be sent to the Committee on Canals with authority to report such opinions thereon as it may deem advisable.

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By Mr. Franchot (by request): "A proposition to amend Article XII of the Constitution, relating to cities and villages, so as to regulate legislation concerning them and guarantee to them the right of municipal self-government" (Int. No. 331), which was read twice, ordered printed and referred to the Committee on Cities. A printed copy to be sent to the Committee on County, Town and Village Officers with authority to report such opinions thereon as it may deem advisable.

By Mr. O'Connor (by request): "A proposition to amend Section one of Article V of the Constitution, relative to the election of certain officers" (Int. No. 332), which was read twice, ordered printed and referred to the Committee on Governor and Other State Officers, etc.

By unanimous consent, Mr. Cullinan offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Clerk of this Convention be directed to furnish each standing committee of the Convention with such stationery as may be required for the business of the committee, which stationery shall have placed thereon the title of the committee and the names of the members thereof.

which was referred to the Committee on Contingent Expenses.

Mr. M. Saxe, from the Committee in charge of the Seven Hundredth Anniversary of Magna Charta, presented the following report:

Your Committee begs leave to respectfully submit the following report:

The hour of eight o'clock in the evening of June 15th in the Assembly Chamber has been fixed for the holding of said exercises.

Invitations to address the Convention on that occasion have been extended to the President of the United States, Mr. Joseph H. Choate, Dr. Nicholas Murray Butler, Judge Alton B. Parker, Judge Edgar M. Cullen, Judge Charles Andrews, and Mr. William D. Guthrie.

The President of the Convention has kindly consented to preside and address us. The Committee is already assured of the presence of Mr. Choate, Judge Cullen, Dr. Butler and Mr. Guthrie, and expects to receive favorable responses from the other invited guests very shortly.

It was decided to issue no formal invitations for the occasion on account of the limited accommodations of the Assembly Chamber. The press will kindly take notice of this announcement of the

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time and place for the holding of the exercises. A special notice of the same will be sent to some of the leading colleges and universities.

Respectfully submitted,

MARTIN SAXE,

Chairman.

Messrs. Tuck and J. L. O'Brian were excused from the sessions of the week.

On motion of Mr. Wickersham, the Convention adjourned.

THURSDAY, MAY 27, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. Joseph Dunney.

On motion of Mr. Wickersham, the journal of Tuesday, May 25th, was approved.

Mr. Cullinan offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the State Engineer and Surveyor furnish this Convention with a statement showing the localities where the surplus waters of the canals of the State were used by persons, associations, corporations or others for the development of water power, prior to the construction of the Barge canal improvement, pursuant to the terms of the act in that behalf and the referendum approving the same; and what moneys, if any, were paid or contracted to be paid for the same.

That the State Engineer and Surveyor furnish this Convention with a statement showing the localities where and the amount of water power development arising out of the construction of the Barge canal improvement, together with the names of the persons, associations, corporations or others using the surplus waters of the canal for the development of water power; and what moneys are being paid or contracted to be paid for the same.

which was referred to the Committee on Library and Information.

Mr. Cullinan offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Canal Board furnish this Convention with a record of all matters and transactions with reference to the use

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or lease of lands of the State; the use or lease of the surplus waters of the canals; all transactions, contracts or agreements involving the use, lease or sale of the surplus waters of the canals or of any waterway of the State over which the Canal Board exercises supervision or control or involving the development of water power therefrom.

which was referred to the Committee on Library and Information.

Mr. Tanner offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Legislative Powers be discharged from the further consideration of proposed amendment (No. 210, Int. No. 209) entitled "Proposed constitutional amendment to amend Section nine of Article IV of the Constitution, in relation to the approval of bills passed by the Legislature," and that the same be referred to the Committee on Governor and Other State Officers, etc.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

On motion of Mr. Tanner, printed copies of proposed amendments (No. 78, Int. No. 78) entitled "Proposed constitutional amendment to amend Section fifteen of Article III of the Constitution, relative to the passage of bills by the Legislature, by striking out the authorization for the passage of bills under emergency messages from the Governor."

(No. 184, Int. No. 184) entitled "Proposed constitutional amendment to amend Section fifteen of Article III of the Constitution, prohibiting the introduction in the Legislature of any bill except by a standing or select committee of the Legislature until such bill has been approved as to form and expression by the legislative counsel."

And (No. 225, Int. No. 223) entitled "Proposed constitutional amendment to amend Section two of Article V, by striking out said section and substituting in place thereof a provision giving the Secretary of State, Comptroller, Treasurer, Attorney-General and State Engineer and Surveyor seats in the Legislature," heretofore referred to the Committee on Legislative Powers, were ordered sent to the Committee on Governor and Other State Officers, etc., with authority to report such opinions thereon as it may deem advisable.

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On motion of Mr. Tanner, printed copies of proposed amendments (No. 136, Int. No. 136) entitled "Proposed constitutional amendment to amend Section nine of Article V of the Constitution, in relation to civil service appointments and promotions."

And (No. 239, Int. No. 237) entitled "Proposed constitutional amendment to provide a new section, in relation to civil service," heretofore referred to the Committee on Civil Service, were ordered sent to the Committee on Governor and Other State Officers, etc., with authority to report such opinions thereon as it may deem advisable.

On motion of Mr. Stimson, a printed copy of proposed amendment (No. 210, Int. No. 209) entitled "Proposed constitutional amendment to amend Section nine of Article IV of the Constitution, in relation to the approval of bills passed by the Legislature," heretofore referred to the Committee on Legislative Powers, was ordered sent to the Committee on the State Finances, Revenues and Expenditures with authority to report such opinions thereon as it may deem advisable.

On motion of Mr. Stimson, a copy of proposed amendment (No. 319, Int. No. 315) entitled "Proposed constitutional amendment to amend Article III of the Constitution, relating to the powers of the Legislature," heretofore referred to the Committee on Legislative Powers, was ordered sent to the Committee on the State Finances, Revenues and Expenditures with authority to report such opinions thereon as it may deem advisable.

On motion of Mr. Low, a printed copy of proposed amendment (No. 319, Int. No. 315) entitled "Proposed constitutional amendment to amend Article III of the Constitution, relating to the powers of the Legislature," heretofore referred to the Committee on Legislative Powers, was ordered sent to the Committee on Cities with authority to report such opinions thereon as it may deem advisable.

On motion of Mr. Parsons, a printed copy of proposed amendment (No. 319, Int. No. 315) entitled "Proposed constitutional amendment to amend Article III of the Constitution, relating to the powers of the Legislature," heretofore referred to the Committee on Legislative Powers, was ordered sent to the Committee

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on Industrial Interests and Relations with authority to report such opinions thereon as it may deem advisable.

The Secretary called the roll by districts and the following propositions were introduced:

By Mr. Coles: "A proposition to amend Section six of Article I of the Constitution, in relation to holding persons to answer for capital or otherwise infamous crimes" (Int. No. 333), which was read twice, ordered printed and referred to the Committee on Bill of Rights.

Also, "A proposition to amend Section twenty of Article VI of the Constitution, by providing that no judicial officer shall receive to his own use any fees or perquisites of office" (Int. No. 334), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Buxbaum: "A proposition to amend Section five of Article III of the Constitution, in relation to apportionment of Assemblymen; creation of Assembly districts" (Int. No. 335), which was read twice, ordered printed and referred to the Committee on Legislature, its Organization, etc.

By Mr. Steinbrink: "A proposition to amend Section two of Article VI of the Constitution, by empowering the presiding justice of each Appellate Division to make temporary designations of justices to sit in the Appellate Division, and empowering the Appellate Division to modify sentences in criminal cases" (Int. No. 336), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Bayes: "A proposition to amend Article VIII of the Constitution, by adding a new section, relating to the liability of stockholders of corporations for labor performed for such corporation" (Int. No. 337), which was read twice, ordered printed and referred to the Committee on Corporations.

By Mr. A. E. Smith: "A proposition to amend Article III of the Constitution, in relation to appropriations and State taxes" (Int. No. 338), which was read twice, ordered printed and referred to the Committee on the State Finances, Revenues and Expenditures.

Also, "A proposition to amend Section six of Article VII of the Constitution, in relation to preventing the accrual of contract

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debts against the State unless there be an appropriation available therefor" (Int. No. 339), which was read twice, ordered printed and referred to the Committee on the State Finances, Revenues and Expenditures.

Also, "A proposition to amend Article VII of the Constitution, in relation to serial bonds to provide moneys for public improvements hereafter authorized" (Int. No. 340), which was read twice, ordered printed and referred to the Committee on the State Finances, Revenues and Expenditures. A printed copy to be sent to the Committee on Governor and Other State Officers, etc., with authority to report such opinions thereon as it may deem advisable.

Also, "A proposition to amend Article V of the Constitution, in relation to departmental estimates as a basis for desired appropriations" (Int. No. 341), which was read twice, ordered printed and referred to the Committee on the State Finances, Revenues and Expenditures. A printed copy to be sent to the Committee on Governor and Other State Officers, etc., with authority to report such opinions thereon as it may deem advisable.

By Mr. Wagner: "A proposition to amend Section twenty-four of Article III of the State Constitution, by directing the State Comptroller to lessen the rate of taxation in cases of direct tax" (Int. No. 342), which was read twice, ordered printed and referred to the Committee on the State Finances, Revenues and Expenditures. A printed copy to be sent to the Committee on Taxation with authority to report such opinions thereon as it may deem advisable.

By Mr. Tanner: "A proposition to amend Section nine of Article IV of the Constitution, in relation to the approval of bills passed by the Legislature" (Int. No. 343), which was read twice, ordered printed and referred to the Committee on the State Finances, Revenues and Expenditures. A printed copy to be sent to the Committee on Governor and Other State Officers, etc., with authority to report such opinions thereon as it may deem advisable.

By Mr. Shipman: "A proposition to amend Section eleven of Article VIII of the State Constitution, relating to boards and commissions" (Int. No. 344), which was read twice, ordered printed and referred to the Committee on Charities. A printed

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copy to be sent to the Committee on Governor and Other State Officers, etc., with authority to report such opinions thereon as it may deem advisable.

By Mr. Wiggins: "A proposition to amend Section nine of Article VII of the Constitution, in relation to tolls for navigating the canals" (Int. No. 345), which was read twice, ordered printed and referred to the Committee on Canals.

Also, "A proposition to amend Section two of Article I, by providing for the impanelling of additional jurors in such manner as may be prescribed by the Legislature to fill vacancies which for any cause may occur prior to the submission of the case to the jury" (Int. No. 346), which was read twice, ordered printed and referred to the Committee on Bill of Rights. A printed copy to be sent to the Committee on Judiciary with authority to report such opinions thereon as it may deem advisable.

By Mr. Heaton: "A proposition to amend Section fifteen of Article VI of the Constitution, in relation to surrogates and surrogates' courts, their powers and jurisdiction; providing for the continuance of such officers and courts and the enlargement of their powers and jurisdiction" (Int. No. 347), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Bunce: "A proposition to amend Section six of Article I of the Constitution, in relation to the public uses for which private property may be taken" (Int. No. 348), which was read twice, ordered printed and referred to the Committee on Bill of Rights. A printed copy to be sent to the Committees on the State Finances, Revenues and Expenditures and Taxation with authority to report such opinions thereon as they may deem advisable.

By Mr. Angell: "A proposition to amend Article VI, by adding a new section relating to claims against the State" (Int. No. 349), which was read twice, ordered printed and referred to the Committee on Judiciary.

Also, "A proposition to amend Article I, Section two, relating to trial by jury" (Int. No. 350), which was read twice, ordered printed and referred to the Committee on Bill of Rights.

By Mr. Wood: "A proposition to amend Section nine of Article V of the Constitution, in relation to the civil service" (Int. No.

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351), which was read twice, ordered printed and referred to the Committee on Civil Service.

By Mr. Rodenbeck: "A proposition to amend Article VI of the Constitution, by adding a new section to be known as Section nine-a for the purpose of obviating new trials by conferring upon the appellate courts authority to take evidence and exercise such powers as may be necessary to effect a final determination of controversies" (Int. No. 352), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Franchot: "A proposition to amend Section one of Article II of the Constitution, by providing that in the event of the approval by the people at the general election in the year one thousand nine hundred fifteen of the amendment to said section proposed by the Legislature, granting the right of suffrage to women, the said Section one of Article II shall be amended as set forth in the said amendment proposed by the Legislature" (Int. No. 353), which was read twice, ordered printed and referred to the Committee on Suffrage.

By Mr. Kirby: "A proposition to amend Section six of Article I of the Constitution, permitting the taking of depositions of witnesses without the State on an indictment charging a felony" (Int. No. 354), which was read twice, ordered printed and referred to the Committee on Bill of Rights.

By Mr. A. E. Smith: "A proposition to amend Article III of the Constitution, by repealing Section five of such article and substituting a new section relating to Assembly districts and apportionment of members of Assembly" (Int. No. 355), which was read twice, ordered printed and referred to the Committee on The Legislature, its Organization, etc.

By Mr. Angell: "A proposition to amend Article VII, by adding a new section relating to highways" (Int. No. 356), which was read twice, ordered printed and referred to the Committee on Public Utilities. A printed copy to be sent to the Committee on the State Finances, Revenues and Expenditures with authority to report such opinions thereon as it may deem advisable.

By Mr. Brenner (by request): "A proposition to amend Section five of Article I of the Constitution, in relation to arrest

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in civil actions" (Int. No. 357), which was read twice, ordered printed and referred to the Committee on Bill of Rights. A printed copy to be sent to the Committee on Judiciary with authority to report such opinions thereon as it may deem advisable.

Mr. S. K. Phillips, from the Committee on Contingent Expenses, presented the following report:

The Committee on Contingent Expenses reports back the resolution offered by Mr. Wickersham May 25, 1915, providing that a communication from the Clerk of the Court of Appeals in answer to a resolution of the Convention transmitted May 6, 1915, shall be printed as a document, with the recommendation that it be adopted, which report was agreed to.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. S. K. Phillips, from the Committee on Contingent Expenses, presented the following report:

The Committee on Contingent Expenses reports back the resolution offered May 26, 1915, by Mr. Cullinan, providing for a supply of stationery to the standing committees of the Convention, with the recommendation that the Secretary be authorized to provide and apportion not to exceed one hundred (100) reams of Convention letter paper and necessary envelopes, with the title of the committee and the names of the members on the letter paper, the title of the committee only on the envelopes, at an additional expense for the extra printing of not to exceed two hundred dollars ($200), which report was agreed to.

Mr. J. S. Phillips, from the Committee on Library and Information, to which was referred the resolution introduced by Mr. Griffin May 25, 1915, relating to the subject of obtaining certain information in reference to the payment of fines, penalties and license fees to certain societies in the city of New York, reports that it has considered said resolution and recommends the adoption of the following amended resolution:

Resolved, That the commissioners of the sinking fund of the city of New York be requested to furnish to the Secretary of this Convention the names and addresses of the societies to which payment is made by the city of New York of fines received as penalties for infractions of the law, and what amounts were paid

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during the year 1914 by the city of New York and the provisions of the law pursuant to which such payments were made. Also a statement of the societies to whom the city paid, either in whole or part, the amounts received as license fees.

Mr. President put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative.

Mr. M. J. O'Brien presented the supplemental report of the Constitutional Convention Commission, which was ordered printed as a Convention document.

Mr. Barnes, from the Committee on Legislative Powers, to which was referred proposed amendment introduced by Mr. R. B. Smith (No. 293, Int. No. 290), entitled "Proposed constitutional amendment to amend Section ten of Article III of the Constitution, in relation to the powers of each House of the Legislature," reported the same with the following amendment:

Pages 1 and 2, after "[Governor]" strike out balance of section and insert in place thereof the following: "If the Lieutenant-Governor be Governor, the Temporary President shall be Lieutenant-Governor for the residue of the term. If the Lieutenant-Governor be impeached or be unable to discharge the duties of the office or be Acting Governor, the Temporary President shall act as Lieutenant-Governor during such impeachment or inability or while the Lieutenant-Governor is Acting Governor. If the Lieutenant-Governor refuse to act as President or be absent from the chair, the Temporary President shall preside. If the Speaker of the Assembly be unable to perform the duties of the office or be Acting Governor, the Assembly may choose a temporary Speaker who shall act as Speaker during such inability or while the Speaker is Acting Governor or until a Speaker is chosen."

And requests that said proposition be recommitted to said committee, which report was agreed to, and said proposition ordered reprinted and recommitted to said committee.

Mr. Wickersham offered for the consideration of the Convention a resolution, in the words following:

Resolved, That this Convention tenders to the Hon. Charles Andrews, ex-chief judge of the Court of Appeals, its hearty congratulations upon the attainment by him this day of the age of eighty-eight years, and expresses its earnest wish that he may long continue to enjoy good health and full intellectual vigor.

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Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

On motion of Mr. Wickersham, the Secretary was instructed to telegraph said resolution to Judge Andrews.

Mr. Wiggins moved to take from the table his resolution of May 26th, in relation to adjourning over Tuesday next, laid upon the table under the rule, which was agreed to.

Said resolution having been announced, Mr. Parsons moved to amend by striking out 12 o'clock, noon, and inserting "10 o'clock A. M."

Mr. President put the question whether the Convention would agree to said motion, and it was determined in the negative.

Mr. President then put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

On motion of Mr. Wickersham, the Convention adjourned.

FRIDAY, MAY 28, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. J. Addison Jones.

On motion of Mr. Wickersham, the journal of Wednesday, May 26th, was approved.

Mr. President presented the communication of the Albany Society of Civil Engineers, which was referred to the Committee on Governor and Other State Officers, etc.

Also, the communication of the South Bronx Property Owners Association, which was referred to the Committee on Governor and Other State Officers, etc.

Mr. Stimson offered for the consideration of the Convention a resolution, in the words following:

Resolved, That whenever the attendance of witnesses who reside out of the State of New York is desired by any standing committee, the Committee on Contingent Expenses shall have power in its discretion to authorize the payment of the traveling expenses of such witnesses.

which was referred to the Committee on Contingent Expenses.

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On motion of Mr. Tanner, a printed copy of proposed amendment (No. 121, Int. No. 121) entitled "Proposed constitutional amendment to amend Section seven of Article VII, by adding a new subsection, in relation to the creation of a Fish and Game Commission," was ordered sent to the Committee on Conservation of Natural Resources, with authority to report such opinions thereon as it may deem advisable.

Mr. Tanner moved that certain provisions of proposed amendment (No. 129, Int. No. 129) entitled "Proposed constitutional amendment to amend Article V of the Constitution, by adding thereto a new section providing for the appointment of a Conservation Commissioner and prescribing his duties," be referred to the Committee on Governor and Other State Officers, etc.

Ordered, That said motion stand over for one day.

Mr. Tanner moved that certain provisions of proposed amendment (No. 154, Int. No. 154) entitled "Proposed constitutional amendment to amend Section seven of Article VII of the Constitution, relating to Forest Preserve, to mature, dead and fallen timber, roads, trails and camp sites, and to the appointment of a Commissioner of the Forest Preserve," be referred to the Committee on Governor and Other State Officers, etc.

Ordered, That said motion stand over for one day.

Mr. Tanner moved that certain provisions of proposed amendment (No. 10, Int. No. 10) entitled "Proposed constitutional amendment to amend Section seven of Article VII of the State Constitution," be referred to the Committee on Governor and Other State Officers, etc.

Ordered, That said motion stand over for one day.

Mr. Tanner moved that certain provisions of proposed amendment (No. 25, Int. No. 25) entitled "Proposed constitutional amendment to Section seven, Article VII of the Constitution, relating to the Forest Preserve, relating to dead timber, roads, trails and camp sites, and to the Commissioner of the Conservation Commission," be referred to the Committee on Governor and Other State Officers, etc.

Ordered, That said motion stand over for one day.

Mr. Tanner moved that certain provisions of proposed amendment (No. 71, Int. No. 71) entitled "Proposed constitutional

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amendment to amend Section seven of Article VII of the State Constitution, relating to the conservation of natural resources," be referred to the Committee on Governor and Other State Officers, etc.

Ordered, That said motion stand over for one day.

Mr. Tanner moved that certain provisions of proposed amendment (No. 208, Int. No. 207) entitled "Proposed constitutional amendment to amend Section seven of Article VII of the Constitution, relative to the lands constituting the Forest Preserve," be referred to the Committee on Governor and Other State Officers, etc.

Ordered, That said motion stand over for one day.

Mr. Austin offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Legislative Powers be discharged from the further consideration of proposed amendment (No. 78, Int. No. 78) entitled "Proposed constitutional amendment to amend Section fifteen of Article III of the Constitution, relative to the passage of bills by the Legislature, by striking out the authorization for the passage of bills under emergency messages from the Governor."

which was agreed to.

Said proposition having been announced, on motion of Mr, Austin, the same was amended as follows:

Page 1, line 6, strike out the bracket after the word "passage".

Page 1, line 8, strike out the bracket after the word "state" and insert in place of the bracket and after the word "state" in italics, the following new matter: "in which case such bill may be passed after it shall have been printed and upon the desks of the members, in its final form, one legislative day".

Ordered, Reprinted and recommitted to said committee.

Mr. Barnes offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Legislative Powers be discharged from the further consideration of proposed amendment (No. 319, Int. No. 315) entitled "Proposed constitutional amendment to amend Article III of the Constitution, relating to the powers of the Legislature."

which was agreed to.

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Said proposition having been announced, on motion of Mr. Barnes, the same was amended as follows:

Line 1, after the word "adding" insert the word "thereto".

Line 2, strike out the word "thereto" and insert in place thereof "to be appropriately numbered,".

Line 3, insert beginning of line "§ ....". Also, strike out period after the word "bill" and insert semicolon.

Also, strike out "§ 30."

Line 3, make a new paragraph beginning with the word "Granting".

Ordered, Reprinted and recommitted to said committee.

Mr. Brackett moved to amend the resolution of April 27th instructing the Secretary to invite clergymen to open the sessions of the Convention with prayer by striking out the words "the city of Albany" and inserting the words "this vicinity".

Ordered, That said motion stand over for one day.

The Secretary called the roll by districts and the following propositions were introduced:

By Mr. Wagner: "A proposition to amend Section six of Article I of the Constitution, in relation to the rights of labor" (Int. No. 358), which was read twice, ordered printed and referred to the Committee on Bill of Rights. A printed copy to be sent to the Committee on Industrial Interests and Relations with authority to report such opinions thereon as it may deem advisable.

By Mr. Wickersham: "A proposition to amend Section two of Article VI of the Constitution, by adding at the end thereof a paragraph in relation to a standing commission on rules of procedure in the courts of the State" (Int. No. 359), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Tanner: "A proposition to amend Section nine of Article IV of the Constitution, by extending the time in which the Governor may approve bills after adjournment" (Int. No. 360), which was read twice, ordered printed and referred to the Committee on Governor and Other State Officers, etc.

By Mr. Low (by request): "A proposition to amend Article II of the Constitution, in relation to the election of municipal officers" (Int. No. 361), which was read twice, ordered printed

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and referred to the Committee on Cities. A printed copy to be sent to the Committee on Counties, Towns and Villages, their Organization, Government, etc., and to the Committee on Suffrage with authority to report such opinions thereon as they may deem advisable.

By Mr. Austin: "A proposition to amend Article VII, Section two of the Constitution, relative to the powers of the State to borrow moneys in anticipation of revenues, or of the sale of bonds duly authorized by law" (Int. No. 362), which was read twice, ordered printed and referred to the Committee on the State Finances, Revenues and Expenditures.

Also, "A proposition to amend Article V, Section five of the Constitution, by abolishing the Commissioners of the Canal Fund, and providing that the duties of said Commissioners shall devolve upon the Comptroller" (Int. No. 363), which was read twice, ordered printed and referred to the Committee on Canals. A printed copy to be sent to the Committee on Governor and Other State Officers, etc., and to the Committee on the State Finances, Revenues and Expenditures with authority to report such opinions thereon as they may deem advisable.

Also, "A proposition to amend Article V, Section three of the Constitution, relative to assistant superintendents and employees in the office of the Superintendent of Public Works" (Int. No. 364), which was read twice, ordered printed and referred to the Committee on Governor and Other State Officers, etc.

By Mr. Bunce: "A proposition to amend Section seventeen of Article VI of the Constitution, relative to justices of the peace, by limiting the number of them that shall be elected" (Int. No. 365), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Mandeville: "A proposition to amend Sections eleven, thirteen and fifteen of Article VIII of the Constitution, and to repeal Section twelve of Article VIII and Section four of Article V of the Constitution, relative to the establishment of a State Board of Charities and Corrections, and the appointment and powers and duties of such board" (Int. No. 366), which was read twice, ordered printed and referred to the Committee on Governor and Other State Officers, etc. A printed copy to be

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sent to the Committee on Charities with authority to report such opinions thereon as it may deem advisable.

By Mr. Sears (by request): "A proposition to amend Section eighteen, Article VI of the Constitution, to provide for the establishment of uniform courts of limited jurisdiction in all the cities of the State, except the city of New York" (Int. No. 367), which was read twice, ordered printed and referred to the Committee on Judiciary.

Also, "A proposition to amend Section six of Article I of the Constitution, in relation to criminal cases so as to provide for trial upon information of a district attorney in certain cases" (Int. No. 368), which was read twice, ordered printed and referred to the Committee on Bill of Rights. A printed copy to be sent to the Committee on Judiciary with authority to report such opinions thereon as it may deem advisable.

Also, "A proposition to amend Section two of Article I of the Constitution, in relation to the waiver by trial by jury in criminal cases" (Int. No. 369), which was read twice, ordered printed and referred to the Committee on Bill of Rights. A printed copy to be sent to the Committee on Judiciary with authority to report such opinions thereon as it may deem advisable.

By Mr. Dow: "A proposition to amend Section seven of Article VII, generally, in relation to the forests and waters of the State" (Int. No. 370), which was read twice, ordered printed and referred to the Committee on Conservation of Natural Resources.

By unanimous consent, Mr. Wickersham offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the title of the office of assistant sergeant-at-arms, created by resolution heretofore adopted, be changed to that of special executive secretary; and be it further

Resolved, That Maurice Bloch be and is hereby appointed to the position of special executive secretary at the same compensation as that provided for the assistant sergeant-at-arms, namely: $5.00 per day.

The President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

On motion of Mr. Wickersham, the Convention adjourned.

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WEDNESDAY, JUNE 2, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. J. Addison Jones.

On motion of Mr. Wickersham, the journal of Thursday, May 27th, was approved.

Mr. President presented the memorial of the Triumph Hose Company, which was referred to the Committee on Civil Service.

Also, the communication of Mr. William S. Myers, which was referred to the Committee on Suffrage.

Also, the memorial of the New York Society of Friends, which was referred to the Committee on Militia and Military Affairs.

Also, the communication of the Empire State Campaign Committee, which was referred to the select committee appointed to arrange for the celebration of the seven hundredth anniversary of Magna Charta.

Mr. Baldwin offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Bill of Rights be discharged from the further consideration of proposed amendment (No. 251, Int. No. 248) entitled "Proposed constitutional amendment to amend section six of Article I of the Constitution, in relation to the public uses for which private property may be taken."

which was agreed to.

Said proposition having been announced, on motion of Mr. Baldwin, the same was amended as follows:

In the second line of the title strike out "the" before "public" and insert "certain".

Page 1, line 4, strike out the bracket and insert initial parenthesis "(".

Page 1, line 8, strike out the bracket and insert closing parenthesis ")".

Page 2, lines 5, 6, 7 and 8, strike out the italicized matter and insert in italics "The development of water power and the transmission of electricity, or either, shall be included in public uses for which private property may be taken."

Ordered, Reprinted and recommitted to said committee.

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On motion of Mr. Tanner, printed copies of Proposed Amendments (No. 10, Int. No. 10) entitled "Proposed constitutional amendment to amend Section seven of Article VII of the State Constitution."

(No. 25, Int. No. 25) entitled "Proposed constitutional amendment to Section seven, Article VII of the Constitution, relating to the Forest Preserve, relating to dead timber, roads, trails and camp sites, and to the Commissioner of the Conservation Commission."

(No. 71, Int. No. 71) entitled "Proposed constitutional amendment to amend Section seven of Article VII of the State Constitution, relating to the conservation of natural resources."

(No. 129, Int. No. 129) entitled "Proposed constitutional amendment to amend Article five of the Constitution, by adding thereto a new section providing for the appointment of a Conservation Commissioner and prescribing his duties."

(No. 154, Int. No. 154) entitled "Proposed constitutional amendment to amend Section seven of Article VII of the Constitution, relating to Forest Preserve, to mature, dead and fallen timber, roads, trails and camp sites, and to the appointment of a Commissioner of the Forest Preserve."

(No. 208, Int. No. 207) entitled "Proposed constitutional amendment to amend Section seven of Article VII of the Constitution, relative to the lands constituting the Forest Preserve," heretofore referred to the Committee on Conservation of Natural Resources, were ordered sent to the Committee on Governor and Other State Officers, etc., with authority to report such opinions thereon as it may deem advisable.

Mr. Mereness offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Legislative Powers be discharged from the further consideration of proposed amendment (No. 36, Int. No. 36) entitled "Proposed constitutional amendment to amend Section twenty-eight of Article III, relating to granting extra compensation, et cetera."

which was agreed to.

Said proposition having been announced, on motion of Mr. Mereness, consideration of the same was indefinitely postponed.

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Mr. L. M. Martin offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the absence of Door-keeper E. E. Lewis from May 25th to 28th inclusive, be excused and time allowed on account of illness and death in his family.

which was agreed to.

Mr. Barnes offered for the consideration of the Convention a resolution, in the words following:

Resolved, That Chapter six, Rule sixteen, be amended so as to read as follows: After the word "Convention" insert the following: "No favorable or adverse report by any committee, relating to proposed constitutional amendments, shall be made except upon a majority vote of all the members thereof."

which was referred to the Committee on Rules.

The Secretary called the roll by districts and the following propositions were introduced:

By Mr. Steinbrink (by request): "A proposition to amend Section eleven of Article VIII, in relation to the duties and powers of the State Commission in Lunacy" (Int. No. 371), which was read twice, ordered printed and referred to the Committee on Charities. A printed copy to be sent to the Committee on Governor and Other State Officers, etc., with authority to report such opinions thereon as it may deem advisable.

By Mr. Dahm: "A proposition to amend Article II, Section one, by inserting after the word "county" "or of the city if embodying several counties" (Int. No. 372), which was read twice, ordered printed and referred to the Committee on Suffrage.

By Mr. Mann: "A proposition to amend Article XII, Section two, relative to legislative bills affecting counties within a city" (Int. No. 373), which was read twice, ordered printed and referred to the Committee on Cities.

Also, "A proposition to amend Article XII, section one, relative to government of cities" (Int. No. 374), which was read twice, ordered printed and referred to the Committee on Cities.

By Mr. Baldwin: "A proposition to amend Section seven of Article VII of the Constitution, in relation to the Forest Preserve, and to the creation of a Conservation Commission and its powers and duties" (Int. No. 375), which was read twice, ordered

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printed and referred to the Committee on Conservation of Natural Resources.

By Mr. Foley: "A proposition to amend Section nineteen of Article I of the Constitution, in relation to workmen's compensation" (Int. No. 376, which was read twice, ordered printed and referred to the Committee on Industrial Interests and Relations. A printed copy to be sent to the Committee on Bill of Rights with authority to report such opinions thereon as it may deem advisable.

By Mr. Wickersham (by request): "A proposition to amend Section fourteen of Article VI of the Constitution, in relation to county courts, the city court of the city of New York and the court of general sessions in the county of New York. Creating the superior court of the city of New York" (Int. No. 377), which was read twice, ordered printed and referred to the Committee on Judiciary. A printed copy to be sent to the Committee on Cities with authority to report such opinions thereon as it may deem advisable.

By Mr. M. Saxe: "A proposition to amend Section two of Article X of the Constitution, in relation to the appointment or election of officers, not provided for by this Constitution" (Int. No. 378), which was read twice, ordered printed and referred to the Committee on County, Town and Village Officers.

By Mr. Mereness: "A proposition to amend Article III of the Constitution, in relation to the compensation of public officers, servants, agents and contractors" (Int. No. 379), which was read twice, ordered printed and referred to the Committee on Legislative Powers. A printed copy to be sent to the Committee on Governor and Other State Officers, etc., with authority to report such opinions thereon as it may deem advisable.

Also, "A proposition to amend Articles III, V, VI and X of the Constitution, in relation to the compensation of public officers, servants, agents and contractors" (Int. No. 380), which was read twice, ordered printed and referred to the Committee on Legislative Powers. A printed copy to be sent to the Committee on Governor and Other State Officers, etc., with authority to report such opinions thereon as it may deem advisable.

By Mr. Angell: "A proposition to amend Section eighteen, Article VI of the Constitution, so as to extend the jurisdiction of in-

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ferior local courts" (Int. No. 381), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Dunmore: "A proposition to amend Article II of the Constitution, in relation to conditions affecting the submission by the Legislature of any constitutional amendment extending the right of suffrage" (Int. No. 382), which was read twice, ordered printed and referred to the Committee on Suffrage.

By Mr. Cobb: "A proposition to amend Section one of Article II of the Constitution, in relation to qualification of voters" (Int. No. 383), which was read twice, ordered printed and referred to the Committee on Suffrage.

Also, "A proposition to amend Section eleven of Article VI of the Constitution, in relation to the removal of judges" (Int. No. 384), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. R. B. Smith: "A proposition to amend Article IV, Sections six and seven, in relation to succession to the office of Governor" (Int. No. 385), which was read twice, ordered printed and referred to the Committee on Governor and Other State Officers, etc.

Also, "A proposition to amend Article III of the Constitution, in relation to the power of the Legislature to provide for succession to the offices and powers and duties of Governor, Lieutenant-Governor, Temporary President of the Senate and Speaker of the Assembly" (Int. No. 386), which was read twice, ordered printed and referred to the Committee on Governor and Other State Officers, etc.

By Mr. Deyo: "A proposition to amend Section nine of Article I of the Constitution, to prevent gambling in stocks and commodities" (Int. No. 387), which was read twice, ordered printed and referred to the Committee on Bill of Rights.

Also, "A proposition to amend Article VIII of the Constitution, by inserting after Section three of said article a new section, to be known as section four in relation to the incorporation of stock exchanges, and to re-number the succeeding sections of said article accordingly" (Int. No. 388), which was read twice, ordered printed and referred to the Committee on Corporations.

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By Mr. Betts: "A proposition to amend Articles III, VI and XII of the Constitution, in relation to the method of ascertaining the number of inhabitants of the State, from time to time, and to the division of the State into senatorial and other districts on the basis of population" (Int. No. 389), which was read twice, ordered printed and referred to the Committee on The Legislature, its Organization, etc.

By Mr. Rhees (by request): "A proposition to amend Article I of the Constitution, in relation to remedies for injuries caused by intoxicated persons" (Int. No. 390), which was read twice, ordered printed and referred to the Committee on Bill of Rights.

By Mr. Curran: "A proposition to amend Section two of Article I of the Constitution, in relation to extending the right of trial by jury to all crimes and offenses punishable by imprisonment" (Int. No. 391), which was read twice, ordered printed and referred to the Committee on Bill of Rights. A printed copy to be sent to the Committee on Judiciary with authority to report such opinions thereon as it may deem advisable.

Also, "A proposition to amend Article VIII of the Constitution, in relation to authorizing works and industries for relieving distress from unemployment and extraordinary emergencies" (Int. No. 392), which was read twice, ordered printed and referred to the Committee on Industrial Interests and Relations.

Also, "A proposition to amend Article III of the Constitution, in relation to authorizing State insurance of workers against accident, sickness, invalidity, old age and unemployment" (Int. No. 393), which was read twice, ordered printed and referred to the Committee on Industrial Interests and Relations.

Also, "A proposition to amend Article I of the Constitution, in relation to establishing an eight hour day for labor performed directly or indirectly for the public" (Int. No. 394), which was read twice, ordered printed and referred to the Committee on Industrial Interests and Relations.

Also, "A proposition to amend Section two of Article XIV of the Constitution, in relation to election of delegates to constitutional conventions" (Int. No. 395), which was read twice, ordered printed and referred to the Committee on Future Amendments and Revisions of the Constitution.

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Also, "A proposition to amend Section six of Article III of the Constitution, in relation to compensation of members of the Legislature" (Int. No. 396), which was read twice, ordered printed and referred to the Committee on The Legislature, its Organization, etc.

Also, "A proposition to amend Article IV of the Constitution, in relation to prohibiting the establishment of a State constabulary and the use of armed forces in labor disputes, and to the exclusive powers of the Governor as commander-in-chief" (Int. No. 397), which was read twice, ordered printed and referred to the Committee on Militia and Military Affairs. A printed copy to be sent to the Committee on Industrial Interests and Relations and to the Committee on Governor and Other State Officers, etc., with authority to report such opinions thereon as they may deem advisable.

Also, "A proposition to amend the Constitution, in relation to the method of selecting judicial officers" (Int. No. 398), which was read twice, ordered printed and referred to the Committee on Judiciary. A printed copy to be sent to the Committee on Suffrage with authority to report such opinions thereon as it may deem advisable.

Mr. Parsons, from the Committee on Rules, submits the following report:

The Committee on Rules, as a supplemental report, recommends the adoption of the following:

Resolved, That this Convention accept as of May 28, 1915, the resignation of Sarah Pilloff as stenographer to the Committee on Industrial Interests and Relations, which resignation is dated that day, and that Ellen P. Doran be employed by this Convention as stenographer to the said Committee on Industrial Interests and Relations at a compensation of five dollars ($5.00) per day.

Mr. President put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative.

On motion of Mr. Dennis, Doorkeeper N. B. Sherrill was excused from attendance on account of illness.

On motion of Mr. Wickersham, the Convention adjourned.

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THURSDAY, JUNE 3, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. W. W. Battershall.

On motion of Mr. Wickersham, the journal of Friday, May 28th, was approved.

Mr. President presented the communication of the Legislative Index Publishing Company, which was referred to the Committee on Contingent Expenses.

Mr. Clearwater offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the recommendations submitted by the New York State Bar Association for the consideration of the Convention, and the report of the Committee of Fifteen of that Association on proposals to be laid before the Convention, with the note accompanying the same, heretofore presented as memorials, be printed as documents.

which was referred to the Committee on Contingent Expenses.

On motion of Mr. E. N. Smith, printed copies of proposed amendments (No. 55, Int. No. 55) entitled "Proposed constitutional amendment to amend Article I of the Constitution, in relation to the public uses for which private property may be taken; and the assessment of damages sustained in certain cases."

(No. 352, Int. No. 348) entitled "Proposed constitutional amendment to amend Section six of Article I of the Constitution, in relation to the public uses for which private property may be taken."

(No. 406, Int. No. 248) entitled "Proposed constitutional amendment to amend Section six of Article I of the Constitution, in relation to certain public uses for which private property may be taken," heretofore referred to the Committee on Bill of Rights, were ordered sent to the Committee on Conservation of Natural Resources with authority to report such opinions thereon as it may deem advisable.

On motion of Mr. E. N. Smith, a printed copy of proposed amendment (No. 121, Int. No. 121) entitled "Proposed constitutional amendment to amend Section seven of Article VII, by add-

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ing a new subsection, in relation to the creation of a Fish and Game Commission," heretofore referred to the Committee on Governor and Other State Officers, etc., was ordered sent to the Committee on Conservation of Natural Resources with authority to report such opinions thereon as it may deem advisable.

Mr. R. B. Smith offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Bill of Rights be discharged from the further consideration of proposed amendment (No. 55, Int. No. 55) entitled "Proposed constitutional amendment to amend Article I of the Constitution, in relation to the public uses for which private property may be taken; and the assessment of damages sustained in certain cases."

which was agreed to.

Said proposition having been announced, on motion of Mr. R. B. Smith, the same was amended as follows:

Page 1, line 5, after "waters" insert "; " and strike out "an".
Page 1, line 7, after "utilities" insert in italics "; the transmission of electricity".

Ordered, Reprinted and recommitted to said committee.

Mr. Cobb offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Judiciary be discharged from the further consideration of proposed amendment (No. 277, Int. No. 274) entitled "Proposed constitutional amendment to amend Section seven of Article VI of the Constitution, with relation to the continuance of the Court of Appeals, and the salaries of the judges thereof."

which was agreed to.

Said proposition having been announced, on motion of Mr. Cobb, the same was amended as follows:

Page 2, line 23, strike out everything after the period, and strike out all of lines 24, 25, 26 and 27, and insert in italics in place thereof the following: "The Legislature shall fix the salaries of the judges of the Court of Appeals. The salary of each judge shall be at least equal to that paid any other judicial officer in the service of the State."

ordered reprinted and recommitted to said Committee.

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Mr. Betts offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Secretary be authorized and directed to request the Superintendent of Public Buildings to place a table and chairs in each committee room where important hearings are to be held for the use and convenience of the official reporters of this Convention, and that the Secretary also be authorized and directed to instruct the superintendent of documents to furnish each official reporter, on application, one copy of the proposed constitutional amendments and such other documents as they may require to intelligently and accurately write up and report to their respective newspapers a synopsis of the proceedings of this Convention, and after the final adjournment of this Convention the Secretary is hereby authorized to distribute from the surplus stock provided for by Rule 71 one copy of the original bound record to each official reporter in the same manner that such records are to be distributed to the members of this Convention.

which was agreed to.

Mr. Westwood offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Bill of Rights be discharged from the further consideration of proposed amendment (No. 116, Int. No. 116) entitled "Proposed constitutional amendment to amend Section two of Article I of the Constitution, by permitting five-sixths of a jury to render a verdict, and by permitting defendants in criminal prosecutions to waive a jury."

which was agreed to.

Said proposition having been announced, on motion of Mr. Westwood, the same was amended as follows:

Line 4, place brackets about the word "forever".
Line 5, after "in" insert in italics "all".
Line 6, at end of line insert in italics "all".
Line 7, after "cases" insert in italics ", not punishable by death".

Ordered, Reprinted and recommitted to said committee.

The Secretary called the roll by districts and the following propositions were introduced:

By Mr. Coles: "A proposition to amend Section five of Article III of the Constitution, in relation to the annexation of a portion of the territory of one county to another county" (Int. No. 399),

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which was read twice, ordered printed and referred to the Committee on The Legislature, its Organization, etc.

By Mr. Adams (by request): "A proposition to amend Section twenty-two of Article VI, in relation to the terms of office of justices of the peace and local judicial officers" (Int. No. 400), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Bannister: "A proposition to amend Section three of Article XI of the Constitution, in relation to providing for aerial forces in the militia" (Int. No. 401), which was read twice, ordered printed and referred to the Committee on Militia and Military Affairs.

By Mr. Latson: "A proposition to amend Article VI of the Constitution, in relation to the jurisdiction of the Supreme Court, by extending such jurisdiction over claims against the State, and by creating a branch of the Supreme Court to be known as the claims division and by abolishing the Court of Claims" (Int. No. 402), which was read twice, ordered printed and referred to the Committee on Judiciary.

Also (by request), "A proposition to amend Section one of Article IX, in relation to the maintenance and support of a system of free common schools" (Int. No. 403), which was read twice, ordered printed and referred to the Committee on Education. A printed copy to be sent to the Committee on Cities with authority to report such opinions thereon as it may deem advisable.

Also (by request), "A proposition to amend Article V of the Constitution, in relation to the establishment of a State department of engineering and public works and the devolution thereon of powers and duties of certain public boards and officers" (Int. No. 404), which was read twice, ordered printed and referred to the Committee on Governor and Other State Officers, etc. A printed copy to be sent to the Committee on Canals with authority to report such opinions thereon as it may deem advisable.

By Mr. Parsons (by request): "A proposition to amend Article I, Section nineteen, by omitting a portion thereof, and adding a new section in relation to legislation affecting employees" (Int. No. 405), which was read twice, ordered printed and referred to the Committee on Industrial Interests and Relations. A printed copy to be sent to the Committee on Legislative Powers with

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authority to report such opinions thereon as it may deem advisable.

Also, "A proposition to amend Article I, Section eighteen, in relation to damages for injuries resulting in death" (Int. No. 406), which was read twice, ordered printed and referred to the Committee on Industrial Interests and Relations. A printed copy to be sent to the Committee on Bill of Rights with authority to report such opinions thereon as it may deem advisable.

Also, "A proposition to amend Article III of the Constitution, in regard to the power of the Legislature to prohibit manufacturing in structures used for dwelling purposes" (Int. No. 407), which was read twice, ordered printed and referred to the Committee on Industrial Interests and Relations. A printed copy to be sent to the Committee on Legislative Powers with authority to report such opinions thereon as it may deem advisable.

Also, "A proposition to amend Article I, Section nineteen, in relation to social insurance including workmen's compensation" (Int. No. 408), which was read twice, ordered printed and referred to the Committee on Industrial Interests and Relations. A printed copy to be sent to the Committee on Legislative Powers with authority to report such opinions thereon as it may deem advisable.

By Mr. F. Martin: "A proposition to amend Article VI, Section two, in relation to first judicial department" (Int. No. 409), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. C. H. Young: "A proposition to amend Section fourteen of Article VI of the Constitution, in relation to county courts, the city court of the city of New York" (Int. No. 410), which was read twice, ordered printed and referred to the Committee on Judiciary. A printed copy to be sent to the Committee on Cities with authority to report such opinions thereon as it may deem advisable.

By Mr. Wiggins: "A proposition to amend Section ten of Article VIII of the Constitution, in relation to sinking funds for the payment of county and city debts" (Int. No. 411), which was read twice, ordered printed and referred to the Committee

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on Cities. A printed copy to be sent to the Committee on Counties, Towns and Villages, their Organization, Government, etc., with authority to report such opinions thereon as it may deem advisable.

By Mr. Barnes: "A proposition to amend Article XIV of the Constitution, relating to amendments to the Constitution, how proposed, voted upon and ratified" (Int. No. 412), which was read twice, ordered printed and referred to the Committee on Future Amendments and Revisions of the Constitution.

By Mr. Dunlap: "A proposition to amend Section five of Article III of the Constitution, relating to apportionment of Assemblymen and the creation of Assembly districts" (Int. No. 413), which was read twice, ordered printed and referred to the Committee on The Legislature, its Organization, etc.

By Mr. R. B. Smith: "A proposition to amend Section fourteen of Article VI of the Constitution, in relation to the jurisdiction of county courts" (Int. No. 414), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Wadsworth: "A proposition to amend Article V, Section two, in relation to the election of Secretary of State, Comptroller, Treasurer, Attorney-General and State Engineer and Surveyor; also to amend Article V by striking out Section seven" (Int. No. 415), which was read twice, ordered printed and referred to the Committee on Governor and Other State Officers, etc.

Also, "A proposition to amend Article V, by adding a new section in relation to the duties of the Comptroller, and the appropriation of the public funds" (Int. No. 416), which was read twice, ordered printed and referred to the Committee on the State Finances, Revenues and Expenditures. A printed copy to be sent to the Committee on Governor and Other State Officers, etc., with authority to report such opinions thereon as it may deem advisable.

Also, "A proposition to amend Article III, Section two of the Constitution, in relation to the election of Senators and Assemblymen" (Int. No. 417), which was read twice, ordered printed and referred to the Committee on Legislative Powers.

Also, "A proposition to amend Article V, Section one of the Constitution, in relation to appointment and tenure of office of

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the Secretary of State, the Comptroller, the Treasurer, and the State Engineer and Surveyor" (Int. No. 418), which was read twice, ordered printed and referred to the Committee on Governor and Other State Officers, etc.

Also, "A proposition to amend Article IV, Section one, in relation to the term of office of the Governor" (Int. No. 419), which was read twice, ordered printed and referred to the Committee on Governor and Other State Officers, etc.

Also, "A proposition to amend Article X, Section six, in relation to the political year and legislative term" (Int. No. 420), which was read twice, ordered printed and referred to the Committee on The Legislature, its Organization, etc.

By Mr. Curran: "A proposition to amend Article III of the Constitution, in relation to power of the court with respect to declaring statutes unconstitutional" (Int. No. 421), which was read twice, ordered printed and referred to the Committee on Judiciary.

Also, "A proposition to amend Article I of the Constitution, in relation to laws for the protection of employees" (Int. No. 422), which was read twice, ordered printed and referred to the Committee on Industrial Interests and Relations. A printed copy to be sent to the Committee on Bill of Rights with authority to report such opinions thereon as it may deem advisable.

Also, "A proposition to amend Section four of Article I of the Constitution, in relation to the writ of habeas corpus and the powers of military courts" (Int. No. 423), which was read twice, ordered printed and referred to the Committee on Bill of Rights. A printed copy to be sent to the Committee on Judiciary with authority to report such opinions thereon as it may deem advisable.

By Mr. Westwood: "A proposition to amend Article III by adding a new section providing that no real property whatsoever, except that of the United States, shall hereafter be exempt from taxation" (Int. No. 424), which was read twice, ordered printed and referred to the Committee on Taxation.

On motion of Mr. Low, a printed copy of proposed amendment (No. 385, Int. No. 378) entitled "Proposed constitutional amendment to amend Section two of Article X of the Constitution, in relation to the appointment or election of officers, not provided for by this Constitution," heretofore referred to the Committee on

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County, Town and Village Officers, was ordered sent to the Committee on Cities with authority to report such opinions thereon as it may deem advisable.

On motion of Mr. Low, printed copies of proposed amendments (No. 386, Int. No. 379) entitled "Proposed constitutional amendment to amend Section twenty-eight of Article III of the Constitution, in relation to the compensation of public officers, servants, agents and contractors."

and (No. 387, Int. No. 380) entitled "Proposed constitutional amendment to amend Articles III, V, VI and X of the Constitution, in relation to the compensation of public officers, servants, agents and contractors," heretofore referred to the Committee on Legislative Powers, were ordered sent to the Committee on Cities with authority to report such opinions thereon as it may deem advisable.

On motion of Mr. Stimson, a printed copy of proposed amendment (No. 330, Int. No. 326) entitled "Proposed constitutional amendment to amend Section twenty-one of Article III of the Constitution, in relation to laws appropriating moneys," heretofore referred to the Committee on Legislative Powers, was ordered sent to the Committee on the State Finances, Revenues and Expenditures with authority to report such opinions thereon as it may deem advisable.

Mr. Barnes, from the Committee on Legislative Powers, to which was referred proposed amendment introduced by Mr. R. B. Smith (No. 292, Int. No. 289), entitled "Proposed constitutional amendment to amend Section twenty-eight of Article III of the Constitution, in relation to the granting of extra compensation by the Legislature and other legislative bodies," reported the same with the following amendments:

Page 1, line 3, after "legislature" insert in italics "or State comptroller".

Page 1, line 4, after "board" insert in italics "or auditing board, body or officer".

Page 1, line 6, after "grant" insert in italics "or permit".

Amend the title as follows:

Line 2, after "granting" insert "or permitting", and strike out "the" at end of line.

Line 3, strike out "legislature and other", also after "bodies" insert "or auditing boards, bodies or officers".

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and requests that said proposition be recommitted to said committee, which report was agreed to, and said proposition ordered reprinted and recommitted to said committee.

Mr. Barnes offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Legislative Powers be discharged from the further consideration of proposed amendment (No. 225, Int. No. 223) entitled "Proposed constitutional amendment to amend Section two of Article V, by striking out said section and substituting in place thereof a provision giving the Secretary of State, Comptroller, Treasurer, Attorney-General and State Engineer and Surveyor seats in the Legislature," and that the same be referred to the Committee on Governor and Other State Officers, etc.

The President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

On motion of Mr. Latson, a printed copy of proposed amendment (No. 266, Int. No. 263) entitled "Proposed constitutional amendment to amend Section nine of Article V of the Constitution, in relation to removals," heretofore referred to the Committee on Civil Service, was ordered sent to the Committee on Militia and Military Affairs with authority to report such opinions thereon as it may deem advisable.

Mr. S. K. Phillips, from the Committee on Contingent Expenses, to which was referred the resolution relative to traveling expenses of witnesses residing outside the State, introduced by Mr. Stimson, reported in favor of the adoption of the following resolution:

Resolved, That whenever the attendance of witnesses who reside out of the State of New York is desired by any standing committee, the committee on contingent expenses shall have power in its discretion to authorize the payment of the traveling expenses of such witnesses.

which report was agreed to.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. T. F. Smith offered for the consideration of the Convention a resolution, in the words following:

Whereas, This Convention has learned with deep regret of the

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death of Frank E. Vaughn and Jacob C. Knauber, who for a number of years represented some of our leading newspapers in the Legislature and the Convention; therefore, be it

Resolved, That when this Convention adjourns that it adjourn out of respect to the memory of the deceased.

which was agreed to.

On motion of Mr. Wickersham, the Convention adjourned.

FRIDAY, JUNE 4, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. J. V. Moldenhawer.

On motion of Mr. Wickersham, the journal of Wednesday, June 2d, was approved.

Mr. President presented the memorial of the Professional Engineers of Rochester, which was referred to the Committee on Governor and Other State Officers, etc.

Also, the communication and resolutions of the Board of Supervisors of Herkimer County, which was referred to the Committee on Public Utilities.

Mr. President presented the communication of the State Comptroller in response to the resolution of the Convention adopted May 14th, which was referred to the Committee on the State Finances, Revenues and Expenditures.

Mr. Wickersham offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the report of the State Comptroller in relation to the compensation of county treasurers be printed as a document of the Convention.

which was referred to the Committee on Contingent Expenses.

On motion of Mr. Tanner, printed copies of proposed amendments (No. 13, Int. No. 13) entitled "Proposed constitutional amendment to amend Article IV of the Constitution, relating to a budget commission."

(No. 212, Int. No. 211) entitled "Proposed constitutional amendment to amend Article IV of the Constitution, by adding a

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new section thereto, in relation to the power of the Governor to amend a bill which imposes a direct State tax."

(No. 223, Int. No. 221) entitled "Proposed constitutional amendment to amend Section four of Article IV, in relation to the duties and powers of Governor; compensation; State budget," heretofore referred to the Committee on the State Finances, Revenues and Expenditures, were ordered sent to the Committee on Governor and Other State Officers, etc., with authority to report such opinions thereon as it may deem advisable.

On motion of Mr. Standart, a printed copy of proposed amendment (No. 283, Int. No. 280) entitled "Proposed constitutional amendment to amend the Constitution, by inserting a new Article XII in place of the old Article XII, in order to regulate legislation concerning cities and villages and guarantee to them the right of municipal self-government," heretofore referred to the Committee on Cities, was ordered sent to the Committee on Taxation with authority to report such opinions thereon as it may deem advisable.

Mr. Bunce moved that the resolution offered by Mr. S. K. Phillips on the 27th day of April, 1915, about the daily sessions of this Convention being opened with prayer, and which was agreed to by the Convention, be amended by striking out the words "of the city of Albany in charge of parishes," which was agreed to.

Mr. President put the question whether the Convention would agree to said resolution as amended, and it was determined in the affirmative.

Mr. Hale presented the following announcement:

To the Constitutional Convention:

I hereby announce that James S. Clair, heretofore designated by me and employed by the Convention as a general stenographer, resigned said position on the 11th day of May, 1915, and that, pursuant to resolution heretofore adopted, I have designated Elizabeth A. Smith as a general stenographer in place of said James S. Clair, resigned.

Dated, Albany, N. Y., June 4, 1915.

JOHN K. MARSHALL,
Official Stenographer.

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Mr. Hale offered for the consideration of the Convention a resolution, in the words following:

Resolved, That, in accordance with the designation therefor heretofore made by the official stenographer, the Convention employ Elizabeth A. Smith as a general stenographer at a per diem compensation of $4.00.

The President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

The Secretary called the roll by districts and the following propositions were introduced:

By Mr. Sargent: "A proposition to amend Article III of the Constitution, in relation to the establishment of a commission to prepare and submit reforms in civil procedure" (Int. No. 425), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Wagner: "A proposition to amend Section twelve of Article VII of the Constitution, by providing for the payment of a proportionate part of the highway fund to certain counties, cities or towns" (Int. No. 426), which was read twice, ordered printed and referred to the Committee on Public Utilities. A printed copy to be sent to the Committee on the State Finances, Revenues and Expenditures with authority to report such opinions thereon as it may deem advisable.

By Mr. C. Nicoll: "A proposition to amend Section nine of Article V of the Constitution, so as to authorize the Legislature to extend a limited preference in appointments to the civil service to residents of this State who have been honorably discharged from the regular or volunteer military or naval forces of the United States or who have honorably completed a term of enlistment in the active militia or National Guard of this State" (Int. No. 427), which was read twice, ordered printed and referred to the Committee on Civil Service.

By Mr. Wiggins: "A proposition to amend Section nine of Article VI of the Constitution, in relation to the jurisdiction of the Court of Appeals" (Int. No. 428), which was read twice, ordered printed and referred to the Committee on Judiciary.

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By Mr. Heaton: "A proposition to amend Article III, by inserting a new section concerning the exemption from taxation of property owned by municipalities" (Int. No. 429), which was read twice, ordered printed and referred to the Committee on Taxation. A printed copy to be sent to the Committee on Cities and the Committee on Legislative Powers with authority to report such opinions thereon as they may deem advisable.

Also, "A proposition to amend Section twelve of Article VII of the Constitution, in relation to the improvement of highways by providing that highways shall include the bridges which form an integral part of such highways" (Int. No. 430), which was read twice, ordered printed and referred to the Committee on Public Utilities. A printed copy to be sent to the Committee on the State Finances, Revenues and Expenditures with authority to report such opinions thereon as it may deem advisable.

Also (by request), "A proposition to amend Article III of the Constitution, in relation to a State budget of estimated expenditures and the enactment of appropriation laws" (Int. No. 432), which was read twice, ordered printed and referred to the Committee on the State Finances, Revenues and Expenditures. A printed copy to be sent to the Committee on Governor and Other State Officers, etc., with authority to report such opinions thereon as it may deem advisable.

By Mr. McKean: "A proposition to amend Section fifteen of Article VI of the Constitution, in relation to surrogate and surrogates' courts, their powers and jurisdiction" (Int. No. 431), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Meigs (by request): "A proposition to amend Article III of the Constitution, in relation to a State budget of estimated expenditures and the enactment of appropriation laws" (Int. No. 432), which was read twice, ordered printed and referred to the Committee on the State Finances, Revenues and Expenditures. A printed copy to be sent to the Committee on Governor and Other State Officers, etc., with authority to report such opinions thereon as it may deem advisable.

Also, "A proposition to amend Article VII of the Constitution, by repealing Section seven thereof and substituting a new section relating to the Forest Preserve and to the creation of a board of

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conservation and its powers and duties" (Int. No. 433), which was read twice, ordered printed and referred to the Committee on Conservation of Natural Resources. A printed copy to be sent to the Committee on Governor and Other State Officers, etc., with authority to report such opinions thereon as it may deem advisable.

By Mr. R. B. Smith: "A proposition to amend Article V, Section three, in relation to powers and duties of State Engineer and Surveyor" (Int. No. 434), which was read twice, ordered printed and referred to the Committee on Governor and Other State Officers, etc. A printed copy to be sent to the Committee on Canals with authority to report such opinions thereon as it may deem advisable.

Also, "A proposition to amend Section one of Article X of the Constitution, in relation to the removal of county officers" (Int. No. 435), which was read twice, ordered printed and referred to the Committee on County, Town and Village Officers.

Also, "A proposition to amend Article V of the Constitution, by repealing Section four thereof in relation to the Superintendent of State Prisons" (Int. No. 436), which was read twice, ordered printed and referred to the Committee on Prisons, etc., and the Prevention and Punishment of Crime. A printed copy to be sent to the Committee on Governor and Other State Officers, etc., with authority to report such opinions thereon as it may deem advisable.

Also, "A proposition to amend Article VII, Section two, in relation to the power of the State to contract debts" (Int. No. 437), which was read twice, ordered printed and referred to the Committee on the State Finances, Revenues and Expenditures. A printed copy to be sent to the Committee on Taxation with authority to report such opinions thereon as it may deem advisable.

By Mr. Green: "A proposition to amend Article VII of the Constitution, in relation to establishing a conservation department in charge of a commissioner" (Int. No. 438), which was read twice, ordered printed and referred to the Committee on Conservation of Natural Resources. A printed copy to be sent to the Committee on Governor and Other State Officers, etc., with authority to report such opinions thereon as it may deem advisable.

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By Mr. Lindsay: "A proposition to amend Section fifteen of Article I of the Constitution of the State of New York, in relation to the government of Indians" (Int. No. 439), which was read twice, ordered printed and referred to the Committee on Relations to the Indians.

Mr. Parsons, from the Committee on Rules, to which was referred the resolution relative to amending Chapter six, Rule sixteen, introduced by Mr. Barnes, reported in favor of the adoption of the same amended to read as follows:

Resolved, That Chapter six, Rule sixteen, be amended so as to read as follows: After the word "Convention" insert the following: "No favorable or adverse report by any committee, upon a proposed constitutional amendment, shall be made except by a majority of all the members of the committee. A minority of a committee may express its views in a report."

Mr. President put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative.

Mr. Wickersham, from the Committee on Library and Information, to which was referred the resolution introduced by Mr. Wagner May 5, 1915, relative to obtaining certain information from the State Comptroller as to the amount and term of all bonds issued under the provisions of Article VII of the Constitution, etc., reports in favor of the adoption of said resolution.

Objection being made to the immediate consideration of said resolution, ordered that the same lie upon the table one day.

Mr. Wickersham, from the Committee on Library and Information, to which was referred the resolution introduced by Mr. C. A. Webber May 13, 1915, relative to obtaining certain information from the State Comptroller as to the reports in transfer tax proceedings filed in his office, reports that the committee has considered said resolution and reports in favor of the adoption of the following resolution:

Resolved, That the State Comptroller be requested to furnish the following information from the reports in transfer tax proceedings filed in his office:

1. The following details in relation to each of the last five

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parcels of real estate in each county of the State appraised for the transfer tax:

(a) The name of the deceased.

(b) The name of the city or town in which the parcel is located.

(c) The assessed value as reported.

(d) The appraised value as fixed.

2. The foregoing information to be arranged by counties according to the location of the parcels, and to be in tabular form.

Mr. President put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative.

On motion of Mr. Wickersham, the Convention adjourned.

TUESDAY, JUNE 8, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. J. Addison Jones.

On motion of Mr. Wickersham the journal of Thursday, June 3rd, was approved.

Mr. Tierney presented the petition of the C. F. Tabor Hook and Ladder Company, which was referred to the Committee on the Judiciary and the Committee on Civil Service.

Mr. Deyo presented the petition of the Exempt Firemen's Association of Binghamton, which was referred to the Committee on Civil Service.

On motion of Mr. Tanner, printed copies of proposed amendments (No. 131, Int. No. 131) entitled "Proposed constitutional amendment to amend Article V of the Constitution, by striking therefrom the provisions of Section eight of said article, prohibiting the creation of offices for the weighing, gauging, measuring, culling or inspecting any merchandise, produce, manufacture or commodity whatever."

(No. 134, Int. No. 134) entitled "Proposed constitutional amendment to amend Article V of the Constitution, in respect to

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State officers, by providing for the election of a Commissioner of Labor and Industries."

(No. 194, Int. No. 193) entitled "Proposed constitutional amendment to amend Article III of the Constitution, in relation to minimum wages," heretofore referred to the Committee on Industrial Interests and Relations, were ordered sent to the Committee on Governor and Other State Officers, etc., with authority to report such opinions thereon as it may deem advisable.

On motion of Mr. Tanner, printed copies of proposed amendments (No. 237, Int. No. 235) entitled "Proposed constitutional amendment to amend Section five of Article IV of the Constitution, in relation to reprieves, commutations and pardons."

(No. 272, Int. No. 269) entitled "Proposed constitutional amendment to repeal Section five of Article IV of the Constitution, relating to the pardoning power of the Governor, and to amend Sections eleven and twelve of Article VIII of the Constitution so as to provide for the creation of a State board of pardons and the transfer to it of the pardoning power now vested in the Governor," heretofore referred to the Committee on Prisons, etc., and the Prevention and Punishment of Crime, were ordered sent to the Committee on Governor and Other State Officers, etc., with authority to report such opinions thereon as it may deem advisable.

On motion of Mr. Tanner, printed copies of proposed amendments (No. 98, Int. No. 98) entitled "Proposed constitutional amendment to amend Article V of the Constitution, by adding a new section thereto in relation to public service commissions for the first and second districts."

(No. 161, Int. No. 161) entitled "Proposed constitutional amendment to amend Article V of the Constitution, by adding a new section thereto, in relation to public service commissions."

(No. 252, Int. No. 249) entitled "Proposed constitutional amendment to amend the Constitution, by adding a new article creating public utilities commissions and prescribing their jurisdiction, powers and duties," heretofore referred to the Committee on Public Utilities, were ordered sent to the Committee on Governor and Other State Officers, etc., with authority to report such opinions thereon as it may deem advisable.

On motion of Mr. Tanner, a printed copy of proposed amendment (No. 4, Int. No. 4) entitled "Proposed constitutional

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amendment to amend Section four of Article II of the Constitution, in respect to the enactment of election and registration laws," heretofore referred to the Committee on Suffrage, was ordered sent to the Committee on Governor and Other State Officers, etc., with authority to report such opinions thereon as it may deem advisable.

On motion of Mr. Tanner, a printed copy of proposed amendment (No. 331, Int. No. 327) entitled "Proposed constitutional amendment to amend Sections eleven, twelve, thirteen and fifteen of Article VIII of the Constitution, in relation to the State Board of Charities, providing for visiting and inspecting of public and private institutions and societies," heretofore referred to the Committee on Charities, was ordered sent to the Committee on Governor and Other State Officers, etc., with authority to report such opinions thereon as it may deem advisable.

The Secretary called the roll by districts and the following propositions were introduced:

By Mr. Coles: "A proposition to amend Article I of the Constitution, by adding a new section thereto insuring liberty of conscience in regard to military service" (Int. No. 440), which was read twice, ordered printed and referred to the Committee on Bill of Rights. A printed copy to be sent to the Committee on Militia and Military Affairs with authority to report such opinions thereon as it may deem advisable.

By Mr. Frank (by request): "A proposition to amend Section six of Article I of the Constitution, relative to the taking of private property for public purposes" (Int. No. 441), which was read twice, ordered printed and referred to the Committee on Bill of Rights.

Also (by request), "A proposition to amend Section six of Article I of the Constitution, relative to the taking of private property for public purposes" (Int. No. 442), which was read twice, ordered printed and referred to the Committee on Bill of Rights. A printed copy to be sent to the Committee on Public Utilities with authority to report such opinions thereon as it may deem advisable.

By Mr. Adams (by request): "A proposition to amend Article VI of the Constitution, by adding a new section to be known as Section fifteen-a thereof, providing for the creation of a court of record in cities of the first class to be known as the domestic

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relations court" (Int. No. 443), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Reeves: "A proposition to amend Article X, Section one, of the Constitution, in relation to sheriffs, clerks of counties, district attorneys, registers and superintendents of county records" (Int. No. 444), which was read twice, ordered printed and referred to the Committee on Counties, Towns and Villages, their Organization, Government, etc. A printed copy to be sent to the Committee on County, Town and Village Officers with authority to report such opinions thereon as it may deem advisable.

By Mr. Bayes: "A proposition to amend Sections two and seven of Article VI of the Constitution, in relation to the consolidation of the Appellate Division and the Court of Appeals into a single appellate court to be known as the Court of Appeals" (Int. No. 445), which was read twice, ordered printed and referred to the Committee on Judiciary.

Also, "A proposition to amend Section nine of Article VI of the Constitution, in relation to the jurisdiction of the Court of Appeals" (Int. No. 446), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Newburger: "A proposition to amend Section eighteen of Article VI, in relation to inferior local courts of civil and criminal jurisdiction" (Int. No. 447), which was read twice, ordered printed and referred to the Committee on Judiciary.

Also, "A proposition to amend Section twenty-three of Article VI, in relation to the courts of special sessions" (Int. No. 448), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Baldwin: "A proposition to amend Articles X and XII of the Constitution, in relation to consolidating into a single county the present counties within the city of New York" (Int. No. 449), which was read twice, ordered printed and referred to the Committee on Counties, Towns and Villages, their Organization, Government, etc. A printed copy to be sent to the Committee on Cities with authority to report such opinions thereon as it may deem advisable.

Also, "A proposition to amend Article VIII of the Constitution, in relation to the taxation and assessed valuation of real

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estate" (Int. No. 450), which was read twice, ordered printed and referred to the Committee on Taxation.

Also, "A proposition to amend Article III of the Constitution, in relation to legislation affecting local salaries and expenditures" (Int. No. 451), which was read twice, ordered printed and referred to the Committee on Legislative Powers. A printed copy to be sent to the Committee on Cities and to the Committee on Counties, Towns and Villages, their Organization, Government, etc., with authority to report such opinions thereon as they may deem advisable.

Also (by request), "A proposition to amend Section two of Article VI of the Constitution, in relation to the appointment of Supreme Court commissioners" (Int. No. 452), which was read twice, ordered printed and referred to the Committee on Judiciary.

Also (by request), "A proposition to amend Section seven of Article I of the Constitution, in relation to the manner of ascertaining the compensation to be made when private property shall be taken for public use" (Int. No. 453), which was read twice, ordered printed and referred to the Committee on Bill of Rights.

Also (by request), "A proposition to amend Section twenty-one of Article VI of the Constitution, in relation to the collection, compilation and publication of judicial statistics" (Int. No. 454), which was read twice, ordered printed and referred to the Committee on Judiciary.

Also (by request), "A proposition to amend Article VIII of the Constitution, in relation to regulation of the issuance of municipal securities" (Int. No. 455), which was read twice, ordered printed and referred to the Committee on the State Finances, Revenues and Expenditures. A printed copy to be sent fito the Committee on Counties, Towns and Villages, their Organization, Government, etc., and the Committee on Cities with authority to report such opinions thereon as they may deem advisable.

By Mr. T. F. Smith: "A proposition to amend Section four of Article II of the Constitution, in relation to registration and election laws" (Int. No. 456), which was read twice, ordered printed and referred to the Committee on Suffrage.

By Mr. Wagner: "A proposition to amend Section eighteen of

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Article VI of the Constitution, in relation to the removal of judicial officers" (Int. No. 457), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. J. G. Saxe: "A proposition to amend Sections twenty-one and twenty-two of Article III, and Section four of Article IV of the Constitution, so as to provide a scientific budget system for the State" (Int. No. 458), which was read twice, ordered printed and referred to the Committee on the State Finances, Revenues and Expenditures.

By Mr. Tanner: "A proposition to amend Section two of Article III of the Constitution, in relation to the number and terms of members of the Legislature, the length of legislative sessions and the power of the Legislature to enact laws at certain sessions" (Int. No. 459), which was read twice, ordered printed and referred to the Committee on The Legislature, its Organization, etc. A printed copy to be sent to the Committee on Legislative Powers with authority to report such opinions thereon as it may deem advisable.

By Mr. F. Martin: "A proposition to amend Section one of Article X of the Constitution and to insert a new section therein, in relation to court review of removals of public elective officers" (Int. No. 460), which was read twice, ordered printed and referred to the Committee on County, Town and Village Officers.

Also, "A proposition to amend Section six of Article I of the Constitution, in relation to the trial of an accused person upon an information, without presentment or indictment by a grand jury, upon the request of such person and the consent of the district attorney" (Int. No. 461), which was read twice, ordered printed and referred to the Committee on Bill of Rights.

By Mr. Barrett: "A proposition to amend Article III of the Constitution, in relation to laws relating to county autonomy" (Int. No. 462), which was read twice, ordered printed and referred to the Committee on Counties, Towns and Villages, their Organization, Government, etc.

By Mr. C. H. Young: "A proposition to amend Article VI of the Constitution, by adding thereto a new section to be known as section twenty-four, regulating and limiting the office of official referee" (Int. No. 463), which was read twice, ordered printed and referred to the Committee on Judiciary.

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By Mr. Wiggins: "A proposition to amend Section six of Article X of the Constitution, in relation to the time for the legislature to assemble annually" (Int. No. 464), which was read twice, ordered printed and referred to the Committee on The Legislature, its Organization, etc.

By Mr. Tierney: "A proposition to amend Section twenty-nine of Article III of the Constitution, in relation to prison labor" (Int. No. 465), which was read twice, ordered printed and referred to the Committee on Prisons, etc., and the Prevention and Punishment of Crime. A printed copy to be sent to the Committee on Industrial Interests and Relations with authority to report such opinions thereon as it may deem advisable.

By Mr. Cobb: "A proposition to amend Section sixteen of Article VI of the Constitution so as to provide for the creation of a court of claims" (Int. No. 466), which was read twice, ordered printed and referred to the Committee on Judiciary.

Also, "A proposition to amend Section eleven of Article VI of the Constitution in relation to removal of judges of the Court of Claims" (Int. No. 467), which was read twice, ordered printed and referred to the Committee on Judiciary.

Also, "A proposition to amend Section eighteen of Article VI of the Constitution in relation to removal of judges of inferior local courts and of the Court of Claims" (Int. No. 468), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. R. B. Smith: "A proposition to amend Sections four, eleven and twelve of Article VII of the Constitution, in relation to State debts" (Int. No. 469), which was read twice, ordered printed and referred to the Committee on the State Finances, Revenues and Expenditures.

Also, "A proposition to amend Article VIII of the Constitution, in relation to funded debts of the State, municipal corporations and school districts" (Int. No. 470), which was read twice, ordered printed and referred to the Committee on the State Finances, Revenues and Expenditures. A printed copy to be sent to the Committee on Cities and to the Committee on Counties, Towns and Villages, their Organization, Government, etc., with authority to report such opinions thereon as they may deem advisable.

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Also, "A proposition to amend Article IX of the Constitution, in relation to the appointment of city school authorities" (Int. No. 471), which was read twice, ordered printed and referred to the Committee on Education. A printed copy to be sent to the Committee on Cities with authority to report such opinions thereon as it may deem advisable.

By Mr. Deyo: "A proposition to amend Article IV, Article V, Article VIII, Article X and Article XI of the Constitution in relation to the method of selection of the Secretary of State, Comptroller, Treasurer, Attorney-General, State Engineer and Surveyor and other State officials" (Int. No. 472), which was read twice, ordered printed and referred to the Committee on Governor and Other State Officers, etc.

By Mr. Leggett: "A proposition to amend Article XIII of the Constitution, relating to the offense of bribery" (Int. No. 473), which was read twice, ordered printed and referred to the Committee on Judiciary,

Also, "A proposition to amend Article VIII of the Constitution relating to banking associations" (Int. No. 474), which was read twice, ordered printed and referred to the Committee on Banking and Insurance.

By Mr. Rodenbeck: "A proposition to amend Article I of the Constitution, in relation to reserving to the people of the State and of localities, respectively, the right, title and use of surplus water and water power impounded or created in the construction of the canals and other public works" (Int. No. 475), which was read twice, ordered printed and referred to the Committee on Conservation of Natural Resources. A printed copy to be sent to the Committee on Public Utilities and to the Committee on Canals, with authority to report such opinions thereon as they may deem advisable.

Also, "A proposition to amend Section fourteen of Article VI of the Constitution, in relation to expediting legal proceedings by increasing the jurisdiction of the county courts and providing for the transfer of actions from the supreme court to the county courts" (Int. No. 476), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Lincoln: "A proposition to amend Section four of

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Article VII of the Constitution so as to provide for the payment in annual installments of all debts created for public improvements and for the determination of the probable life or period of usefulness of proposed improvements" (Int. No. 477), which was read twice, ordered printed and referred to the Committee on State Finances, Revenues and Expenditures.

By Mr. Sanders: "A proposition to amend Article VII by adding a new section to be known as Section thirteen, relating to highways" (Int. No. 478), which was read twice, ordered printed and referred to the Committee on Public Utilities. A printed copy to be sent to the Committee on State Finances, Revenues and Expenditures, with authority to report such opinions thereon as it may deem advisable.

By Mr. Westwood: "A proposition to add a new section to Article VII, to require that provision be made annually for the upkeep of improved highways" (Int. No. 479), which was read twice, ordered printed and referred to the Committee on Public Utilities. A printed copy to be sent to the Committee on State Finances, Revenues and Expenditures, with authority to report such opinions thereon as it may deem advisable.

By Mr. Dow: "A proposition to amend Section seven of Article VII of the Constitution, generally, in relation to the forests and waters of the state" (Int. No. 480), which was read twice, ordered printed and referred to the Committee on Conservation of Natural Resources. A printed copy to be sent to the Committee on Governor and Other State Officers, etc., with authority to report such opinions thereon as it may deem advisable.

By Mr. Steinbrink (by request): "A proposition to amend Section twelve of Article VI, relating to age limitation and compensation of justices of the Supreme Court and of the Court of Appeals" (Int. No. 481), which was read twice, ordered printed and referred to the Committee on Judiciary.

Mr. Brackett, from the Committee on The Legislature, its Organization, etc., submitted the following report:

The Committee on the Legislature, its Organization, and the Number, Apportionment, Election, Tenure of Office and

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Compensation of its Members, to whom was referred the resolutions of Mr. Quigg, which read as follows:

Resolved (1), That the Legislature shall be composed, as at present, of two houses.

Resolved (2), That it is undesirable that the membership of either house should be increased.

Resolved (3), That the holding of annual sessions is expedient. makes this its report on such resolutions as follows:

That said resolutions be amended so as to read as follows:

Resolved, That the Legislature shall be composed of a Senate and an Assembly.

Resolved Further, That the members of the Senate be elected from Senate districts and that the members of the Assembly be elected from Assembly districts.

In recording and recommending the adoption of these resolutions, the Committee begs leave to submit the following considerations:

First: It is very desirable, if indeed it is not necessary, that the Committee shall have the judgment of the Convention upon the proposition involved in the resolutions here reported. If such judgment is not given settling the questions as to whether the Legislature shall hereafter consist of one or of two houses and there should be a disagreement with the report of the Committee on these propositions, when contained in a final report, in case of a disagreement by the Convention with the Committee on these two basic matters, the entire subsequent work of the Committee with respect to the number of Senators and Assemblymen and the districts into which the State shall be divided for the purpose of electing such Senators and Assemblymen would go for naught. Inasmuch as such work will be enormous, it is the practically unanimous sense of the Committee that the points embodied in the resolutions here reported should be first definitely settled by action of the Convention and it therefore makes this report of Mr. Quigg's resolution and requests that action may be taken thereon by the Convention.

The Committee has considered with much care the question as to whether there should continue to be two houses of the Legislature, or whether the propositions submitted and argued before the Committee for one house should prevail. It is recognized that there is much to be said, and there has been much said, to the Committee that is appealing in favor of one house.

In view, however, of the fact that the change from two houses to one would be radical, that it would do violence to the traditions of the State, and in view of the practically unanimous testimony

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of those familiar with legislative work in the State that consideration by two separate bodies tends to, and does, result in more mature deliberation and, therefore, in more careful legislation, the Committee reports the resolutions before recited and asks the consideration of the Convention thereon.

Albany, N. Y., June 8, 1915.

EDGAR T. BRACKETT,
Chairman.

Mr. Aiken, from the Committee on The Legislature, its Organization, etc., submitted the following report:

The undersigned, a minority of the Committee on The Legislature, its Organization, etc., believing that a single house of the Legislature would be more efficient and economical, and that the question of a single or dual Legislature should be decided by the Convention itself, hereby dissent from the report of the majority of said Committee and recommend that a resolution be passed as follows:

Resolved, That the Legislature consist of one house.

The reasons why the minority members favor a single house are in part as follows:

First. A single house would concentrate responsibility. All the arguments for a short ballot are pertinent to a short Legislature. Under the present dual system many vicious bills are passed by one house, with the thought that they will be thrown out when they reach the other house. That other house may, however, pass the bills, casting back the responsibility on the house in which the bills originated. A sense of real responsibility would make committees which have measures under consideration more careful in reporting bills favorably.

Second. The friction which sometimes arises between the two houses prevents the passage of good measures and often results in a deadlock in which even appropriation bills necessary to run the State government are held up.

Third. The present method accentuates the congestion of important legislation which occurs at the end of a session when many important bills are amended and passed with scant attention. Bills are rushed from one house to another in the few days before adjournment and in the confusion much undesirable legislation is passed and becomes law, unless the discerning and critical eye of the Governor sees the defects or vices of the bill and it is vetoed.

Fourth. Not so important a matter but still one which should be considered is the fact that the maintenance of a house like the

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Assembly costs $400,000 or $500,000, and if the salaries are increased as seems probable it would add still more largely to the expense.

Now what may be said of the advantages of the present system. If a double house can do better work, or is more desirable for any reason, why not divide the present Constitutional Convention into two parts, sitting and deliberating apart. No delegate in the Convention, we believe, would advise such a course or such a method of selecting delegates in the future. The following arguments are made for the present system, viz:

First. That the Assembly touches the people and gives local representation. We think, however, that the Senators just as truly represent localities as the Assemblymen and that it will be found that Senators introduce nearly as many local measures as Assemblymen. If there is any force in this argument, a house as numerous as the Assembly might be elected. The proposition now advanced does not depend on the size of the legislative body. If home rule for cities is granted, there will not be the need for local legislation.

Second. That one house acts as a check upon the other. We have argued above and believe that more frequently two houses instead of acting as a check tend to remove the sense of responsibility and let loose a flood of legislation which a more responsible body would restrain. The effective check upon undesirable legislation is the Governor's veto, and this check makes any other unnecessary and undesirable.

Finally, we have the argument from tradition, that because this State has always had two houses and because the other States have two houses, we must continue the present system. This plaster cast of tradition may be proper when conditions remain the same, or where there is no growth or development. But let us see first what led to the adoption of two houses of the Legislature. It was partly accidental and partly distrust of the people. It was accidental in that it followed the precedent of Parliament with its House of Lords and House of Commons, disregarding the fact that there was a reason for two houses of Parliament in that at that time they represented different interests, the nobility or landed gentry on the one hand and the people on the other, just as our Congress has, in its two houses, from the start represented two different interests, the Sovereign States of the Union on the one hand and the people on the other. But in our State Legislatures there is no representation of different interests, but representatives chosen from similar geographical areas, one somewhat larger than the other. Then there was the distrust of the people which led to the formation of two legislative bodies, just as the election of President was consigned to a body of electors who were

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supposed to exercise their independent judgment and not necessarily vote as the people directed.

It is refreshing to know that, even in those early days, when our government was forming, democratic and clear-headed Ben Franklin advocated a single house for the State Legislature and said that making two houses was like hitching a horse to each end of a cart and letting them pull in opposite directions, a metaphor which we have since on various occasions seen verified. Franklin cited the famous political fable of the snake with two heads and one body. "She was going to a brook to drink and in her way was to pass through a hedge, a twig of which opposed her direct course; one head chose to go on the right side of the twig, the other on the left; so that time was spent in the contest, and before the decision was completed the poor snake died of thirst."

We have also the opinion of a modern political philosopher, Mr. Bryce, who states in his American Commonwealth that "the real blemishes of State government are all found in the composition and conduct of the Legislatures."

Times have changed since the Revolution and we can hardly take as an example now the British Parliament, unless we wish to create one house of the Legislature with no substantial legislative power. The tendency toward efficiency and centralization in government has made a revolution in the British government much more vital than would be the change to a single house in this State.

We must realize that there is much dissatisfaction with Legislatures and the legislative product. There is a cry that there is too much legislation and that the Legislature does not represent public sentiment. That has found expression in Western States in the device of the initiative and referendum, a bad substitute for representative government but a substitute because the people have lost faith in their Legislatures.

We believe the people will welcome any change in the Legislature which seeks to make it more efficient, just as they have welcomed commission form of government for cities.

The fact that no other State has adopted a unicameral Legislature need not deter New York, for New York as the Empire State should lead the way.

Respectfully submitted,

E. Clarence Aiken,
Otis A. Dennis,
J. Sidney Bernstein.

On motion of Mr. Brackett consideration of said reports was postponed until Tuesday next.

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Mr. Wagner moved that the Committee on Suffrage be requested to express its opinion on the resolution contained in the report of the Committee on The Legislature, its Organization, etc., on or before Tuesday next.

Mr. Quigg moved to amend by including the Committee on Canals and the Committee on Public Utilities.

Mr. Mereness moved to lay said motion and amendments upon the table.

Mr. President put the question whether the Convention would agree to said motion to lay upon the table and it was determined in the affirmative.

Mr. M. Saxe from the Select Committee on the holding of exercises to commemorate the 700th anniversary of Magna Charta, reported that in response to the invitation sent to the President of the United States he received the following reply:

THE WHITE HOUSE, WASHINGTON.

June 2, 1915

My Dear Senator Saxe:

I am very much complimented by the invitation conveyed by your letter of May twenty-fifth to take part in the celebration by the Constitutional Convention of the State of New York of the 700th anniversary of Magna Charta, and wish that I could feel it possible, in spite of the pressure of public business upon me, to take part in the celebration either personally or by a written message in a way that would be worthy of so interesting and significant an occasion.

In fact, however, my mind is so preoccupied and my energies so absorbed at present that I know only too well that it would be impossible for me to meet the occasion worthily.

I can only express to you and to all concerned in this kind invitation my warm appreciation and sincere regret.

Very sincerely yours,

(Signed) WOODROW WILSON.

Hon. Martin Saxe, Constitutional Convention of the State of New York, Albany, New York.

Mr. Wickersham moved to take from the table the resolution introduced by Mr. Wagner in relation to certain information requested from the State Comptroller reported by the Committee

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on Library and Information on Friday last, which was agreed to.

Mr. President put the question whether the Convention would agree to said resolution and it was determined in the affirmative.

On motion of Mr. Wickersham the Convention adjourned.

WEDNESDAY, JUNE 9, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. A. B. Obenschain.

On motion of Mr. Wickersham, the journal of Friday, June 4th, was approved.

Mr. Weed offered for the consideration of the Convention a resolution, in the words following:

Resolved, That Subdivision one of Rule number fifty be amended by inserting after the word "Resolutions" the words "proposed by a committee and resolutions," making said subdivision read as follows, viz.:

1. Resolutions proposed by a committee and resolutions giving rise to debate, except such as shall relate to the disposition of business immediately before the Convention, to the business of the day on which they may be offered, or to adjournments or recesses, shall lie over one day for consideration after which they may be called up as of course under their appropriate order of business.

which was referred to the Committee on Rules.

Mr. Low offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Cities be discharged from the further consideration of proposed amendment (No. 317, Int. No. 313) entitled "Proposed constitutional amendment to amend Articles III, X and XII of the Constitution, in relation to the powers of local government of counties, cities and villages."

which was agreed to.

Said proposition having been announced, on motion of Mr. Low, the same was amended as follows:

Page 4, line 22, strike out last four words "or of all the".

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Page 4, line 23, strike out the first word "villages", also the comma after "city", and the 7th, 8th and 9th words "and each village".

Page 4, line 23, between fourth and fifth words "city each" insert the word "and".

Page 4, line 26, after the last word "city" strike out the comma and insert the word "or".

Page 5, line 1, strike out "or such village".

Page 5, line 1, after the word "county" insert comma (,).

Page 5, line 4, after closing parenthesis ")" insert period (.).

Page 5, strike out lines 5 and 6.

Page 5, line 7, strike out "health, comfort and the general welfare".

Ordered, Reprinted and recommitted to said committee.

On motion of Mr. J. L. O'Brian, a printed copy of proposed amendment (No. 268, Int. No. 265) entitled "Proposed constitutional amendment to amend Section nine of Article V, relative to fixed compensations of public officials within the civil service," heretofore referred to the Committee on Civil Service, was ordered sent to the Committee on Counties, Towns and Villages, their Organization, Government, etc., with authority to report such opinions thereon as it may deem advisable.

The Secretary called the roll by districts and the following propositions were introduced:

By Mr. Coles: "A proposition to amend Article V of the Constitution, by adding a new section thereto, in relation to public service commissions" (Int. No. 482), which was read twice, ordered printed and referred to the Committee on Public Utilities. A printed copy to be sent to the Committee on Governor and Other State Officers, etc., with authority to report such opinions thereon as it may deem advisable.

By Mr. Frank (by request): "A proposition to amend Section seven of Article I of the Constitution, relative to the taking of private property for public purposes" (Int. No. 483), which was read twice, ordered printed and referred to the Committee on Bill of Rights.

Also (by request), "A proposition to amend Section seven of Article I of the Constitution, relative to the taking of private property for public purposes" (Int. No. 484), which was read twice, ordered printed and referred to the Committee on Bill of Rights.

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By Mr. Adams (by request): "A proposition to amend Article VI of the Constitution, in relation to the establishment of the board of judicial appointment and control, and to define its powers and duties" (Int. No. 485), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Dahm (by request): "A proposition to amend Article III, Section one of the Constitution, by providing for initiative and referendum" (Int. No. 486), which was read twice, ordered printed and referred to the Committee on Legislative Powers. A printed copy to be sent to the Committee on The Legislature, its Organization, etc., and the Committee on Governor and Other State Officers, etc., with authority to report such opinions thereon as they may deem advisable.

By Mr. Reeves: "A proposition to amend Section fifteen of Article VI of the Constitution, by giving to surrogates, in relation to subject-matters over which they have control, the same jurisdiction and powers as the Supreme Court has over matters within its jurisdiction" (Int. No. 487), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Fogarty: "A proposition to amend Article V of the Constitution, by inserting a section in relation to loss and damage by explosion of pressure carrying vessels" (Int. No. 488), which was read twice, ordered printed and referred to the Committee on Governor and Other State Officers, etc. A printed copy to be sent to the Committee on Industrial Interests and Relations with authority to report such opinions thereon as it may deem advisable.

By Mr. Bayes (by request): "A proposition to amend Article XII of the Constitution, in relation to conferring power upon cities to regulate the height and use of buildings" (Int. No. 489), which was read twice, ordered printed and referred to the Committee on Cities.

Also, "A proposition to amend Article IX of the Constitution, in relation to the exclusion of pupils from the public schools" (Int. No. 490), which was read twice, ordered printed and referred to the Committee on Education.

Also, "A proposition to amend Section four of Article VI of the Constitution, in relation to terms of office of justices of the

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Supreme Court" (Int. No. 491), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Sargent: "A proposition to amend Article III of the Constitution, in relation to monopolies and combinations in restraint of trade" (Int. No. 492), which was read twice, ordered printed and referred to the Committee on Legislative Powers. A printed copy to be sent to the Committee on Corporations with authority to report such opinions thereon as it may deem advisable.

By Mr. A. E. Smith: "A proposition to amend Article III of the Constitution, in relation to the power of the Legislature to provide for the assessment of property of a municipal corporation situated outside of the boundaries of the corporation" (Int. No. 493), which was read twice, ordered printed and referred to the Committee on Legislative Powers. A printed copy to be sent to the Committee on Cities and the Committee on Taxation with authority to report such opinions thereon as they may deem advisable.

By Mr. Harawitz: "A proposition to amend Article I of the Constitution, in relation to appeals as a matter of right in all criminal cases" (Int. No. 494), which was read twice, ordered printed and referred to the Committee on Bill of Rights. A printed copy to be sent to the Committee on Judiciary with authority to report such opinions thereon as it may deem advisable.

By Mr. Foley: "A proposition to amend Article III of the Constitution, in relation to legislative bodies of cities of the first class" (Int. No. 495), which was read twice, ordered printed and referred to the Committee on Cities.

By Mr. T. F. Smith: "A proposition to amend Article VIII of the Constitution, in relation to taxation of State property" (Int. No. 496), which was read twice, ordered printed and referred to the Committee on Taxation. A printed copy to be sent to the Committee on Counties, Towns and Villages, their Organization, Government, etc., with authority to report such opinions thereon as it may deem advisable.

Also, "A proposition to amend Sections four and six of Article II of the Constitution, in relation to laws governing elections and election officers" (Int. No. 497), which was read twice, ordered printed and referred to the Committee on Suffrage.

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By Mr. J. G. Saxe: "A proposition to amend Article IV, Sections one, two, three, four, five, six, seven, eight and nine and Article V, Sections one, two, three, four, five, six, seven, eight and nine, relating to the organization of the executive branch of the government, and the powers and duties of the Governor and other State officers" (Int. No. 498), which was read twice, ordered printed and referred to the Committee on Governor and Other State Officers, etc. A printed copy to be sent to the Committee on the State Finances, Revenues and Expenditures, with authority to report such opinions thereon as it may deem advisable.

By Mr. Parsons (by request): "A proposition to amend Article VI of the Constitution, in relation to the nomination and election of judges of the Court of Appeals and justices of the Supreme Court" (Int. No. 499), which was read twice, ordered printed and referred to the Committee on Judiciary.

Also, "A proposition to amend Article I of the Constitution, in relation to the taking and regulation of private property for public uses" (Int. No. 500), which was read twice, ordered printed and referred to the Committee on Bill of Rights.

Also, "A proposition to amend Article III, Section seven of the Constitution, in regard to holding another civil office by members of the Legislature" (Int. No. 501), which was read twice, ordered printed and referred to the Committee on The Legislature, its Organization, etc.

By Mr. Shipman: "A proposition to amend Section eight of Article VI of the Constitution, so as to provide for appointive and elected judges of the Court of Appeals" (Int. No. 502), which was read twice, ordered printed and referred to the Committee on Judiciary.

Also, "A proposition to amend Section four of Article VI of the Constitution, so as to provide for appointive and elected justices of the Supreme Court" (Int. No. 503), which was read twice, ordered printed and referred to the Committee on Judiciary.

Also, "A proposition to amend Article VIII, Section three of the Constitution, relating to corporations" (Int. No. 504), which was read twice, ordered printed and referred to the Committee on Corporations.

By Mr. F. Martin: "A proposition to amend Article X of the

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Constitution, in relation to compensation of public officers and employees while receiving pensions" (Int. No. 505), which was read twice, ordered printed and referred to the Committee on Governor and Other State Officers, etc. A printed copy to be sent to the Committee on Cities with authority to report such opinions thereon as it may deem advisable.

By Mr. F. L. Young (by request): "A proposition to amend Section two of Article IX of the Constitution, in relation to the University of the State of New York and the Board of Regents" (Int. No. 506), which was read twice, ordered printed and referred to the Committee on Education. A printed copy to be sent to the Committee on Governor and Other State Officers, etc., with authority to report such opinions thereon as it may deem advisable.

By Mr. Rosch: "A proposition to amend Section eleven of Article VIII of the Constitution, so as to provide for changing the name of the State Commission of Prisons to that of the State Board of Correction, and defining its duties" (Int. No. 507), which was read twice, ordered printed and referred to the Committee on Prisons, etc., and the Prevention and Punishment of Crime. A printed copy to be sent to the Committee on Governor and Other State Officers, etc., with authority to report such opinions thereon as it may deem advisable.

By Mr. Quigg: "A proposition to amend Section nine of Article V of the Constitution, in relation to civil service appointments and promotions" (Int. No. 508), which was read twice, ordered printed and referred to the Committee on Civil Service.

By Mr. Austin: "A proposition to amend Section four, Article VII of the Constitution, relative to the power of the Legislature to create debts, prescribing the character of the bonds to be issued as evidencing such debts, and providing the manner of payment thereof" (Int. No. 509), which was read twice, ordered printed and referred to the Committee on the State Finances, Revenues and Expenditures.

Also, "A proposition to amend Article VII, Section eight of the Constitution, relative to the application of funds derived from the lease, sale or other disposition of canal lands" (Int. No. 510), which was read twice, ordered printed and referred to the Com-

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mittee on Canals. A printed copy to be sent to the Committee on the State Finances, Revenues and Expenditures, with authority to report such opinions thereon as it may deem advisable.

By Mr. E. N. Smith: "A proposition to amend Section one of Article XII, by providing for home rule in cities as to local affairs" (Int. No. 511), which was read twice, ordered printed and referred to the Committee on Cities. A printed copy to be sent to the Committee on Counties, Towns and Villages, their Organization, Government, etc., with authority to report such opinions thereon as it may deem advisable.

Also, "A proposition to amend Section seven of Article I of the Constitution, in relation to the regulation of the flow of streams and the development of water power and taking private property therefor" (Int. No. 512), which was read twice, ordered printed and referred to the Committee on Bill of Rights. A printed copy to be sent to the Committee on Conservation of Natural Resources with authority to report such opinions thereon as it may deem advisable.

By Mr. Schurman: "A proposition to amend Section one of Article IX of the Constitution, in relation to the supervision and control of education by the State" (Int. No. 513), which was read twice, ordered printed and referred to the Committee on Education.

By Mr. Nye: "A proposition to amend Section twenty of Article VI of the Constitution, changing the size of counties in which surrogates and county judges are prohibited from practicing from one hundred and twenty thousand to one hundred and sixty thousand" (Int. No. 514), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Mandeville: "A proposition to amend Article VI of the Constitution, by adding thereto a new section to be known as Section fifteen-a providing for a court of claims" (Int. No. 515), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Johnson: "A proposition to amend Section six, Article IV, in relation to conditions under which the Lieutenant-Governor shall act as Governor" (Int. No. 516), which was read twice, ordered printed and referred to the Committee on Governor and Other State Officers, etc.

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Also, "A proposition to amend Section seven, Article IV, relative to the right of succession to the governorship" (Int. No. 517), which was read twice, ordered printed and referred to the Committee on Governor and Other State Officers, etc.

Also, "A proposition to amend Section thirteen, Article VI, relative to the trial of impeachments" (Int. No. 518), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Clinton: "A proposition to amend Section eight of Article VII of the Constitution, relative to the sale, lease or other disposition of the canals and canal basins, slips and terminals, and disposition of funds" (Int. No. 519), which was read twice, ordered printed and referred to the Committee on Canals. A printed copy to be sent to the Committee on the State Finances, Revenues and Expenditures with authority to report such opinions thereon as it may deem advisable.

By Mr. Lincoln: "A proposition to amend Section eleven of Article VII of the Constitution, relating to the payment of State debts out of funds in the State treasury" (Int. No. 520), which was read twice, ordered printed and referred to the Committee on State Finances, Revenues and Expenditures.

Also, "A proposition to amend Section twelve of Article VII of the Constitution, relating to the creation of indebtedness for highway improvement" (Int. No. 521), which was read twice, ordered printed and referred to the Committee on the State Finances, Revenues and Expenditures. A printed copy to be sent to the Committee on Public Utilities with authority to report such opinions thereon as it may deem advisable.

By Mr. Deyo: "A proposition to amend Section eleven of Article VI of the Constitution, relative to the removal of judges" (Int. No. 522), which was read twice, ordered printed and referred to the Committee on Judiciary.

Mr. S. K. Phillips, from the Committee on Contingent Expenses, to which was referred the resolution relative to printing as a document the report of the State Comptroller in relation to compensation of county treasurers, reported in favor of the adoption of the following resolution:

Resolved, That the report of the State Comptroller in relation to the compensation of county treasurers be printed as a document of the Convention.

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Mr. President put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative.

Mr. M. Saxe, from the select committee on the holding of exercises to commemorate the seven hundredth anniversary of Magna Charta, submitted the following report with respect to the seating arrangements in the Assembly Chamber on the evening of June 15:

The delegates are to occupy their regular seats.

The representatives of the colleges and universities of the State will be assigned to seats in the well.

Seats will be placed around the Chamber and in the rear thereof for the accommodation of the friends of delegates who accompany them to the Chamber that evening; these seats will be reserved until 8 o'clock.

At 8 o'clock the doors will be opened to the general public in so far as the accommodations will allow.

It is respectfully requested that in view of the limited seating capacity of the Assembly Chamber the delegates will cooperate with the committee in expediting the seating of visitors.

Mr. Betts and Mr. Berri were excused from the sessions for the remainder of the week.

On motion of Mr. Wickersham, the Convention adjourned.

THURSDAY, JUNE 10, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. Rush Rhees.

On motion of Mr. Wickersham, the journal of Tuesday, June 8th, was approved.

Mr. T. F. Smith presented the memorial of the Society of Tammany or Columbian Order, which was read and the first portion thereof referred to the Committee on Bill of Rights, the second portion to the Committee on Judiciary and the third portion thereof to the Committee on the Legislature, its Organization, etc.

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Mr. T. F. Smith offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the memorial of the Society of Tammany or Columbian Order be printed as a document of the Convention.

which was referred to the Committee on Contingent Expenses.

Mr. Wood presented the memorial of the Alert Hose and Chemical Company, which was referred to the Committee on Judiciary and the Committee on Civil Service.

Mr. President presented the report of the legislative committee of the Binghamton Engineering Society, which was referred to the Committee on Governor and Other State Officers, etc.

Mr. President presented the communication of the Lieutenant-Governor, Acting Governor, in response to the resolution of the Convention passed May 20th, which was referred to the Committee on Library and Information.

Mr. Wickersham offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Secretary cause to be printed for the use of the members of the Convention five hundred (500) copies of the Rules of the Convention, printed document No. 3, as amended to date.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. Low offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Legislative Powers be discharged from the further consideration of proposed amendment (No. 28, Int. No. 28) entitled "Proposed constitutional amendment to amend the Constitution, by inserting a new section on franchises in Article III."

which was agreed to.

Said proposition having been announced, on motion of Mr. Low, the same was amended as follows:

Page 1, line 3, after "petuity" insert "nor shall the granting of a franchise be deemed to confer the right to include in the charge for services, any return upon the value of the franchise or grant itself, in excess of a fair return upon the amount expended in construction or maintenance."

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Page 1, line 11, after the last word " holders." insert " The right of the granting power to resume a franchise shall include the power to provide for a direct transfer of physical property employed in connection therewith to a new holder upon payment of compensation therefor. In the resumption of a franchise or readjustment of financial terms the holder thereof shall not be entitled to any return upon the value of the franchise or grant itself, in excess of a fair return upon the money actually expended in construction or maintenance."

Ordered, Reprinted and recommitted to said committee.

Mr. Wiggins offered for the consideration of the Convention a resolution, in the words following:

Whereas, The publishers of Case and Comment have presented to the members of the Constitutional Convention the June number of that magazine, which contains articles upon the justice's and inferior courts, which subjects are now before this Convention; now be it

Resolved, That this Convention, through its Secretary, express to the publishers of Case and Comment its appreciation of the courtesy shown the members of this Convention in the presentation of such magazine to them.

Said resolution giving rise to debate, ordered that the same be laid upon the table.

Mr. Tuck offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on the Judiciary be discharged from the further consideration of proposed amendment (No. 164, Int. No. 164) entitled " Proposed constitutional amendment to amend Section twelve of Article VI of the Constitution, so as to provide for the holding of special and trial terms of the Supreme Court by judges of the Court of Appeals and justices of the Supreme Court retired for age."

which was agreed to.

Said proposition having been announced, on motion of Mr. Tuck, the same was amended as follows:

Page 1, line 10, strike out the italic words " per diem ".

Page 2, lines 1 and 2, strike out the italic words " proportionate to the salary of a justice of the Supreme Court as fixed hereby." and substitute in italics the following: " Of fifty dollars for each day necessarily spent in the holding of such terms and in considering and deciding controversies submitted therein."

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Ordered, Reprinted and recommitted to said committee.

Mr. Kirby offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Comptroller be directed to furnish the Convention with the amounts paid during the last fiscal year to special counsel, to the Attorney-General, the amounts paid to attorneys and counsel to the various departments of the State government and the amounts paid to attorneys in the various counties in the State in the matter of the collection of transfer taxes.

which was referred to the Committee on Library and Information.

The Secretary called the roll by districts and the following propositions were introduced:

By Mr. Coles: "A proposition to amend Section twenty-six of Article III of the Constitution, in relation to boards of supervisors" (Int. No. 523), which was read twice, ordered printed and referred to the Committee on Counties, Towns and Villages, their Organization, Government, etc. A printed copy to be sent to the Committee on Legislative Powers with authority to report such opinions thereon as it may deem advisable.

Also, "A proposition to amend Article III of the Constitution, in relation to optional plans for the government of counties" (Int. No. 524), which was read twice, ordered printed and referred to the Committee on Counties, Towns and Villages, their Organization, Government, etc. A printed copy to be sent to the Committee on Legislative Powers with authority to report such opinions thereon as it may deem advisable.

Also, "A proposition to amend Article III of the Constitution, by adding a section thereto providing for the distribution to libraries and schools of books, pamphlets and maps published by the State" (Int. No. 525), which was read twice, ordered printed and referred to the Committee on Education. A printed copy to be sent to the Committee on Legislative Powers with authority to report such opinions thereon as it may deem advisable.

By Mr. Bannister: "A proposition to amend Article VII of the Constitution, in relation to disposition of State moneys derived from transfer taxes" (Int. No. 526), which was read twice, ordered printed and referred to the Committee on the State Finances, Revenues and Expenditures.

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By Mr. Reeves: "A proposition to amend Article VI of the Constitution, in relation to a land division of the Supreme Court" (Int. No. 527), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Steinbrink (by request): "A proposition to amend Section nine of Article V of the Constitution, in relation to employees in the civil service of the State" (Int. No. 528), which was read twice, ordered printed and referred to the Committee on Civil Service.

By Mr. Bayes: "A proposition to amend Section one of Article XI of the Constitution, in relation to persons subject to militia and military service" (Int. No. 529), which was read twice, ordered printed and referred to the Committee on Bill of Rights. A printed copy to be sent to the Committee on Militia and Military Affairs with authority to report such opinions thereon as it may deem advisable.

By Mr. Latson (by request): "A proposition to amend Article XI of the Constitution, in relation to the unorganized militia" (Int. No. 530), which was read twice, ordered printed and referred to the Committee on Militia and Military Affairs.

Also (by request), "A proposition to amend Section four of Article XI of the Constitution, in relation to the appointment of military officers by the Governor" (Int. No. 531), which was read twice, ordered printed and referred to the Committee on Militia and Military Affairs. A printed copy to be sent to the Committee on Governor and Other State Officers, etc., with authority to report such opinions thereon as it may deem advisable.

Also (by request), "A proposition to amend Section one of Article XI of the Constitution, in relation to the composition of the State militia" (Int. No. 532), which was read twice, ordered printed and referred to the Committee on Militia and Military Affairs.

Also (by request), "A proposition to amend Section three of Article XI of the Constitution, in relation to the organization of the militia" (Int. No. 533), which was read twice, ordered printed and referred to the Committee on Militia and Military Affairs.

Also (by request), "A proposition to amend Section five of Article XI of the Constitution, in relation to the manner of

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election of military officers prescribed by Legislature" (Int. No. 534), which was read twice, ordered printed and referred to the Committee on Militia and Military Affairs. A printed copy to be sent to the Committee on Legislative Powers with authority to report such opinions thereon as it may deem advisable.

Also (by request), "A proposition to amend Section six of Article XI of the Constitution, in relation to the removal of commissioned officers for absence without leave" (Int. No. 535), which was read twice, ordered printed and referred to the Committee on Militia and Military Affairs. A printed copy to be sent to the Committee on Governor and Other State Officers, etc., with authority to report such opinions thereon as it may deem advisable.

By Mr. Brenner (by request): "A proposition to amend Sections seventeen and eighteen of Article VI of the Constitution, in relation to local judicial officers and local courts, in cities" (Int. No. 536), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. A. E. Smith: "A proposition to amend Article IX of the Constitution, in relation to repealing section four thereof, relative to State aid for denominational schools" (Int. No. 537), which was read twice, ordered printed and referred to the Committee on Education. A printed copy to be sent to the Committee on Legislative Powers with authority to report such opinions thereon as it may deem advisable.

By Mr. Ahearn (by request): "A proposition to amend Article VI of the Constitution, to provide for the creation of a child welfare commission for the trial of juvenile delinquents" (Int. No. 538), which was read twice, ordered printed and referred to the Committee on Prisons, etc., and the Prevention and Punishment of Crime. A printed copy to be sent to the Committee on Judiciary and the Committee on Governor and Other State Officers, etc., with authority to report such opinions thereon as they may deem advisable.

By Mr. Foley: "A proposition to amend Article XIV by adding a new Section two, providing for constitutional amendment by initiative, and renumbering the present Sections two and three"

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(Int. No. 539), which was read twice, ordered printed and referred to the Committee on Future Amendments and Revisions of the Constitution.

By Mr. J. G. Saxe: "A proposition to amend Article IV, Sections one, two, three, four, five, six, seven, eight and nine and Article V, Sections one, two, three, four, five, six, seven, eight and nine, relating to the organization of the executive branch of the government, and the powers and duties of the Governor and other State officers" (Int. No. 540), which was read twice, ordered printed and referred to the Committee on Governor and Other State Officers, etc. A printed copy to be sent to the Committee on the State Finances, Revenues and Expenditures with authority to report such opinions thereon as it may deem advisable.

By Mr. Stimson: "A proposition to amend Article VI of the Constitution, in relation to the nomination of judges" (Int. No. 541), which was read twice, ordered printed and referred to the Committee on Judiciary.

Also, "A proposition to amend Article VI, Section eighteen, in relation to the jurisdiction of inferior or local courts" (Int. No. 542), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Parsons: "A proposition to amend Article VII, by adding a section to authorize the acquisition of forests" (Int. No. 543), which was read twice, ordered printed and referred to the Committee on Conservation of Natural Resources.

Also, "A proposition to amend Article VI of the Constitution, by adding a section providing for advisory opinions of the Court of Appeals on constitutionality of proposed statutes" (Int. No. 544), which was read twice, ordered printed and referred to the Committee on Judiciary.

Also, "A proposition to amend Article V, to establish a State department of labor" (Int. No. 545), which was read twice, ordered printed and referred to the Committee on Industrial Interests and Relations. A printed copy to be sent to the Committee on Governor and Other State Officers, etc., with authority to report such opinions thereon as it may deem advisable.

By Mr. Low: "A proposition to amend Article I of the Constitution, in relation to grants of land under water" (Int. No. 546), which was read twice, ordered printed and referred to the

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Committee on Conservation of Natural Resources. A printed copy to be sent to the Committee on Canals with authority to report such opinions thereon as it may deem advisable.

Also, "A proposition to amend Article III, to establish a legislative drafting bureau" (Int. No. 547), which was read twice, ordered printed and referred to the Committee on Legislative Powers.

Also (by request), "A proposition to amend Article III of the Constitution, in relation to the granting of franchises" (Int. No. 548), which was read twice, ordered printed and referred to the Committee on Legislative Powers.

Also (by request), "A proposition to amend Article III of the Constitution, in relation to the granting of lands under water" (Int. No. 549), which was read twice, ordered printed and referred to the Committee on Conservation of Natural Resources. A printed copy to be sent to the Committee on Canals with authority to report such opinions thereon as it may deem advisable.

By Mr. Tanner: "A proposition to amend Section nineteen of Article III of the Constitution, in relation to the passage of private claim bills" (Int. No. 550), which was read twice, ordered printed and referred to the Committee on Legislative Powers.

By Mr. Eisner: "A proposition to amend Section one of Article II of the Constitution, in relation to qualification of voters" (Int. No. 551), which was read twice, ordered printed and referred to the Committee on Suffrage.

Also, "A proposition to amend Article IV, Section four of the Constitution, in relation to Governor's power of removal" (Int. No. 552), which was read twice, ordered printed and referred to the Committee on Governor and Other State Officers, etc.

Also, "A proposition to amend Article XI of the Constitution, in relation to powers of cities and villages" (Int. No. 553), which was read twice, ordered printed and referred to the Committee on Cities. A printed copy to be sent to the Committee on Counties, Towns and Villages, their Organization, Government, etc., with authority to report such opinions thereon as it may deem advisable.

Also, "A proposition to amend Article I, Section nineteen of the Constitution, in relation to social and industrial justice" (Int. No. 554), which was read twice, ordered printed and referred to the Committee on Industrial Interests and Relations. A printed

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copy to be sent to the Committee on Legislative Powers with authority to report such opinions thereon as it may deem advisable.

Also, "A proposition to amend Article V, Sections one, two, three and four of the Constitution, in relation to short ballot, and eliminating necessity of confirmation by Senate of Governor's appointments" (Int. No. 555), which was read twice, ordered printed and referred to the Committee on Governor and Other State Officers, etc.

Also, "A proposition to amend Article III of the Constitution, in relation to initiative and referendum" (Int. No. 556), which was read twice, ordered printed and referred to the Committee on Legislative Powers.

Also (by request), "A proposition to amend Article XIII by adding at the end thereof a new section to be known as section seven, in relation to recall" (Int. No. 557), which was read twice, ordered printed and referred to the Committee on Governor and Other State Officers, etc.

Also (by request), "A proposition to amend the Constitution by incorporation therein of a new article, to be known as Article ...., in relation to determination of the constitutionality of statutes" (Int. No. 558), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Griffin: "A proposition to amend Article III of the Constitution by striking out therefrom Section four, relating to enumerations and reapportionments, and substituting in the place thereof a new section dispensing with the State census, and basing the apportionment of Senators and Assemblymen upon the number of voters participating in elections for Governor" (Int. No. 559), which was read twice, ordered printed and referred to the Committee on the Legislature, its Organization, etc.

By Mr. Wiggins: "A proposition to amend Section eighteen of Article VI, in relation to inferior local courts by increasing territorial and personal jurisdiction" (Int. No. 560), which was read twice, ordered printed and referred to the Committee on Judiciary.

Also, "A proposition to amend Section seventeen of Article VI of the Constitution, in relation to justices of the peace in cities and fixing their territorial jurisdiction" (Int. No. 561), which

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was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Rosch: "A proposition to amend Section fifteen of Article VI of the Constitution, in relation to the Legislature grading the salaries of county judges and surrogates according to population of respective counties" (Int. No. 562), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Vanderlyn: "A proposition to amend Section seventeen of Article VI, conferring the judicial functions of justices of peace in the towns of the State on duly elected trial justices of the peace" (Int. No. 563), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Clearwater: "A proposition to amend Article VI of the Constitution by adding a new section thereto to be known as Section twenty-four, in relation to the establishment and jurisdiction of children's courts and courts of domestic relations" (Int. No. 564), which was read twice, ordered printed and referred to the Committee on Judiciary. A printed copy to be sent to the Committee on Prisons, etc., and the Prevention and Punishment of Crime, with authority to report such opinions thereon as it may deem advisable.

Also, "A proposition to amend Section eleven of Article VIII of the Constitution of the State of New York, in relation to the State Probation Commission" (Int. No. 565), which was read twice, ordered printed and referred to the Committee on Prisons, etc., and the Prevention and Punishment of Crime. A printed copy to be sent to the Committee on Governor and Other State Officers, etc., with authority to report such opinions thereon as it may deem advisable.

By Mr. Mealy (by request): "A proposition to amend Section eighteen of Article III, in relation to the operation of motor bus lines in cities" (Int. No. 566), which was read twice, ordered printed and referred to the Committee on Public Utilities. A printed copy to be sent to the Committee on Cities with authority to report such opinions thereon as it may deem advisable.

By Mr. Barnes: "A proposition to amend Section eighteen of Article III of the Constitution, in relation to limitations of the

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power of the Legislature to pass private or local bills" (Int. No. 567), which was read twice, ordered printed and referred to the Committee on Legislative Powers.

By Mr. Ostrander: "A proposition to amend Article XII, Section two, in relation to special city laws and their returns to the Legislature" (Int. No. 568), which was read twice, ordered printed and referred to the Committee on Cities.

By Mr. Angell: "A proposition to amend Article V of the Constitution, by adding a new section thereto providing for a conservation advisory board" (Int. No. 569), which was read twice, ordered printed and referred to the Committee on Conservation of Natural Resources. A printed copy to be sent to the Committee on Governor and Other State Officers, etc., with authority to report such opinions thereon as it may deem advisable.

Also, "A proposition to amend Section seven of Article VII of the Constitution, by changing the boundaries of the Forest Preserve, permitting the removal of mature timber therefrom" (Int. No. 570), which was read twice, ordered printed and referred to the Committee on Conservation of Natural Resources.

Also, "A proposition to amend Article V of the Constitution, by adding a new section to provide for a conservation commission" (Int. No. 571), which was read twice, ordered printed and referred to the Committee on Conservation of Natural Resources. A printed copy to be sent to the Committee on Governor and Other State Officers, etc., with authority to report such opinions thereon as it may deem advisable.

By Mr. Tierney: "A proposition to amend Section fifteen of Article VI of the Constitution, in relation to requiring the offices of county judge and surrogate to be combined in one officer in counties having a population of not over one hundred and twenty thousand" (Int. No. 572), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Dunmore: "A proposition to amend Article III of the Constitution, in relation to powers of the Legislature to pass bills and of State agencies and officials to adopt regulations" (Int. No. 573), which was read twice, ordered printed and referred to the Committee on Legislative Powers.

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Also, "A proposition to amend Article III of the Constitution, in relation to powers of the Legislature to pass bills and of State agencies and officials to adopt regulations" (Int. No. 574), which was read twice, ordered printed and referred to the Committee on Legislative Powers.

By Mr. Cullinan: "A proposition to amend Section ten of Article I of the Constitution, in respect to the ownership by the State of all waters within its jurisdiction" (Int. No. 575), which was read twice, ordered printed and referred to the Committee on Canals. A printed copy to be sent to the Committee on Conservation of Natural Resources with authority to report such opinions thereon as it may deem advisable.

Also, "A proposition to amend Article III of the Constitution, in relation to taxing the sale of cigarettes" (Int. No. 576), which was read twice, ordered printed and referred to the Committee on Taxation. A printed copy to be sent to the Committee on the State Finances, Revenues and Expenditures with authority to report such opinions thereon as it may deem advisable.

Also, "A proposition to amend that part of Section four of Article VII of the Constitution, relative to voting upon the question of authorizing the State to contract indebtedness" (Int. No. 577), which was read twice, ordered printed and referred to the Committee on the State Finances, Revenues and Expenditures.

Also, "A proposition to amend Section three of Article V of the Constitution, creating a department of commerce and navigation having jurisdiction over the canals, harbors and waterways, and water-borne transportation" (Int. No. 578), which was read twice, ordered printed and referred to the Committee on Canals. A printed copy to be sent to the Committee on Governor and Other State Officers, etc., with authority to report such opinions thereon as it may deem advisable.

By Mr. R. B. Smith: "A proposition to amend Section sixteen of Article III of the Constitution, in relation to private and local bills" (Int. No. 579), which was read twice, ordered printed and referred to the Committee on Legislative Powers.

Also, "A proposition to amend Article III of the Constitution, in relation to the power of the Legislature to regulate certain financial transactions in business" (Int. No. 580), which was read

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twice, ordered printed and referred to the Committee on Legislative Powers. A printed copy to be sent to the Committee on Banking and Insurance with authority to report such opinions thereon as it may deem advisable.

Also, "A proposition to amend Article III of the Constitution, in relation to the power of the Legislature to regulate dealing in securities" (Int. No. 581), which was read twice, ordered printed and referred to the Committee on Legislative Powers. A printed copy to be sent to the Committee on Banking and Insurance with authority to report such opinions thereon as it may deem advisable.

Also, "A proposition to amend Article V of the Constitution, by repealing Section eight thereof, in relation to prohibiting the creation of certain offices" (Int. No. 582), which was read twice, ordered printed and referred to the Committee on Governor and Other State Officers, etc.

Also, "A proposition to amend Article V of the Constitution, in relation to the powers and duties of State Treasurer" (Int. No. 583), which was read twice, ordered printed and referred to the Committee on Governor and Other State Officers, etc.

Also, "A proposition to amend Article III of the Constitution, in relation to legislative counsel" (Int. No. 584), which was read twice, ordered printed and referred to the Committee on Legislative Powers. A printed copy to be sent to the Committee on Governor and Other State Officers, etc., with authority to report such opinions thereon as it may deem advisable.

By Mr. Green: "A proposition to amend Article X of the Constitution, in relation to the office of commissioner of jurors" (Int. No. 585), which was read twice, ordered printed and referred to the Committee on Judiciary.

Also (by request), "A proposition to amend Article III of the Constitution, in relation to voting for Assemblymen" (Int. No. 586), which was read twice, ordered printed and referred to the Committee on Suffrage.

Also (by request), "A proposition to amend Article III of the Constitution, in relation to the method of choosing members of Assembly in the city of New York" (Int. No. 587), which was read twice, ordered printed and referred to the Committee on the Legislature, its Organization, etc. A printed copy to be sent to

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the Committee on Suffrage and the Committee on Cities with authority to report such opinions thereon as they may deem advisable.

By Mr. Mandeville: "A proposition to amend Section eighteen of Article VI of the Constitution, to provide for inferior local courts" (Int. No. 588), which was read twice, ordered printed and referred to the Committee on Judiciary.

Also (by request), "A proposition to amend Section fifteen of Article III of the Constitution, relating to the manner of passing bills" (Int. No. 589), which was read twice, ordered printed and referred to the Committee on Legislative Powers.

Also (by request), "A proposition to amend Section seven of Article VI of the Constitution, in relation to the Court of Appeals" (Int. No. 590), which was read twice, ordered printed and referred to the Committee on Judiciary.

Also (by request), "A proposition to amend Section two of Article VI of the Constitution, creating judicial departments; appellate divisions" (Int. No. 591), which was read twice, ordered printed and referred to the Committee on Judiciary.

Also (by request), "A proposition to amend Section three of Article VI of the Constitution, in relation to testimony in equity cases" (Int. No. 592), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Parmenter (by request): "A proposition to amend Article VIII, Sections eleven and twelve of the Constitution, to create a department of charities and corrections as a division of the executive branch of the State government" (Int. No. 593), which was read twice, ordered printed and referred to the Committee on Governor and Other State Officers, etc.

Also (by request), "A proposition to amend Section one of Article X, in relation to the method of selection of sheriffs, county clerks, district attorneys and registers" (Int. No. 594), which was read twice, ordered printed and referred to the Committee on County, Town and Village Officers.

Also (by request), "A proposition to amend Section eighteen, Article VI of the Constitution, in order to establish a district court of inferior jurisdiction in place of the justices of the peace court" (Int. No. 595), which was read twice, ordered printed and referred to the Committee on Judiciary.

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By Mr. Leggett: "A proposition to amend Sections one and two of Article II of the Constitution, in relation to persons who shall be qualified to exercise the elective franchise" (Int. No. 596), which was read twice, ordered printed and referred to the Committee on Suffrage.

By Mr. Tuck: "A proposition to amend Article I of the Constitution, in relation to compensation for damage from change of grade of a street or highway" (Int. No. 597), which was read twice, ordered printed and referred to the Committee on Bill of Rights.

By Mr. Curran: "A proposition to amend Article I of the Constitution, in relation to the legality of an act done by two or more persons in concert" (Int. No. 598), which was read twice, ordered printed and referred to the Committee on Judiciary.

Also, "A proposition to amend Section eight of Article I of the Constitution, in relation to the right of free speech and to criminal prosecutions for libel" (Int. No. 599), which was read twice, ordered printed and referred to the Committee on Bill of Rights.

Also, "A proposition to amend Articles III and XIV of the Constitution, in relation to terms of office of State Senators" (Int. No. 600), which was read twice, ordered printed and referred to the Committee on the Legislature, its Organization, etc.

By Mr. O'Connor: "A proposition to amend Section fifteen of Article III of the Constitution, in relation to eliminating the provision permitting the passage of bills upon emergency messages from the Governor" (Int. No. 601), which was read twice, ordered printed and referred to the Committee on Legislative Powers.

Also, "A proposition to amend Article V of the Constitution, in relation to the establishment of a department of labor and a workmen's compensation commission, as separate bodies" (Int. No. 602), which was read twice, ordered printed and referred to the Committee on Industrial Interests and Relations. A printed copy to be sent to the Committee on Governor and Other State Officers, etc., with authority to report such opinions thereon as it may deem advisable.

Also, "A proposition to amend Section nineteen of Article I of the Constitution, in relation to providing for a State fund as the exclusive method for securing the payment of workmen's compensation" (Int. No. 603), which was read twice, ordered printed and

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referred to the Committee on Industrial Interests and Relations. A printed copy to be sent to the Committee on Bill of Rights and Committee on the State Finances, Revenues and Expenditures with authority to report such opinions thereon as they may deem advisable.

By Mr. Franchot (by request): "A proposition to amend Section six of Article I of the Constitution, in relation to criminal prosecutions and to admitting a plea of guilty before indictment except upon a charge of murder" (Int. No. 604), which was read twice, ordered printed and referred to the Committee on Bill of Rights.

By Mr. Kirby: "A proposition to amend Section one of Article V of the Constitution, relative to the office of Attorney-General" (Int. No. 605), which was read twice, ordered printed and referred to the Committee on Governor and Other State Officers, etc.

By Mr. Sears: "A proposition to amend Section one of Article X of the Constitution, to provide that certain county officers shall be elected in odd numbered years, and to provide for the terms of office of such officers so as to conform thereto" (Int. No. 606), which was read twice, ordered printed and referred to the Committee on Counties, Towns and Villages, their Organization, Government, etc. A printed copy to be sent to the Committee on County, Town and Village Officers with authority to report such opinions thereon as it may deem advisable.

Also, "A proposition to amend Section ten of Article VI of the Constitution, by providing that at every election of a chief or associate judge of the Court of Appeals, or of a justice of the Supreme Court, the Governor shall nominate a candidate" (Int. No. 607), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Lincoln: "A proposition to amend Section fourteen of Article VI of the Constitution, in relation to the jurisdiction of county courts as to corporations" (Int. No. 608), which was read twice, ordered printed and referred to the Committee on Judiciary. A printed copy to be sent to the Committee on Corporations with authority to report such opinions thereon as it may deem advisable.

Also, "A proposition to amend Section one of Article XIII of the Constitution, relative to official oaths, prescribing the effect of

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taking a false official oath or affirmation" (Int. No. 609), which was read twice, ordered printed and referred to the Committee on Bill of Rights. A printed copy to be sent to the Committee on Prisons, etc., and the Prevention and Punishment of Crime with authority to report such opinions thereon as it may deem advisable.

By Mr. Whipple: "A proposition to amend Article V of the Constitution, in relation to establishing an excise department in charge of a commissioner" (Int. No. 610), which was read twice, ordered printed and referred to the Committee on Governor and Other State Officers, etc.

By Mr. Westwood: "A proposition to amend certain sections of Article VI by abolishing the Appellate Division of the Supreme Court, and increasing the number of judges of the Court of Appeals, thereby providing for a single appellate court; by abolishing the Court of Claims, the county courts, the surrogates' courts, the court of general sessions of the peace in and for the city and county of New York and the city court of the city of New York, and conferring their jurisdiction upon the Supreme Court, thereby providing for a single court of record of original jurisdiction; and by providing for uniform inferior courts not of record in cities of the first class, and uniform inferior courts not of record in the balance of the State" (Int. No. 611), which was read twice, ordered printed and referred to the Committee on Judiciary.

On motion of Mr. Parsons, a printed copy of proposed amendment (No. 510, Int. 498), entitled "Proposed constitutional amendment to amend Sections one, two, three, four, five, six, seven, eight and nine of Article IV, and Sections one, two, three, four, five, six, seven, eight and nine of Article V of the Constitution, relating to the organization of the executive branch of the government and the powers and duties of the Governor and other State officers," heretofore referred to the Committee on Governor and Other State Officers, etc., was ordered sent to the Committee on Industrial Interests and Relations with authority to report such opinions thereon as it may deem advisable.

Mr. Brackett, from the Committee on the Legislature, its Organization, etc., presented the following report:

The Committee on the Legislature, its Organization, and the Number, Apportionment, Election, Tenure of Office and Compensation of its Members, herewith reports adversely on several proposed amendments.

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In making this report the committee states to the Convention that there are, in each of the amendments thus proposed and reported adversely, certain provisions which are favored by members of the committee, perhaps a majority thereof, but the amendments as proposed, taken each as a whole, are opposed to the two principles which the committee deems vital, to wit:

1st: That the Legislature should consist of a Senate and Assembly, and

2d: That the members of the Senate should be elected by districts and the members of Assembly should be elected by districts.

Because of the variance of these several proposed amendments with these cardinal principles to which the committee has committed itself, as expressed in the substituted resolutions reported by the committee, in place of those offered by Mr. Quigg and referred to the committee, these adverse reports are made to the Convention.

EDGAR T. BRACKETT,
Chairman.

June 10, 1915.

Mr. Brackett, from the Committee on the Legislature, its Organization, etc., to which was referred proposed amendment introduced by Mr. Schurman (No. 279, Int. No. 276), entitled "Proposed constitutional amendment to amend Article III of the Constitution, in relation to the composition of the Senate and the terms of its members, and Section one of Article XIV, in relation to constitutional amendments," reported adversely thereto.

On motion of Mr. Brackett, consideration of said report was postponed until Tuesday next.

Mr. Brackett, from the Committee on the Legislature, its Organization, etc., to which was referred proposed amendment introduced by Mr. McKinney (No. 41, Int. No. 41), entitled "Proposed constitutional amendment to amend Section one of Article III of the Constitution, so as to provide for a unicameral Legislature," reported adversely thereto.

On motion of Mr. Brackett, consideration of said report was postponed until Tuesday next.

Mr. Brackett, from the Committee on the Legislature, its Organization, etc., to which was referred proposed amendment introduced by Mr. Kirk (No. 232, Int. No. 230), entitled "Proposed

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constitutional amendment to amend Article III, abolishing the Senate and providing for the election of the Assembly," reported adversely thereto.

On motion of Mr. Brackett, consideration of said report was postponed until Tuesday next.

Mr. Brackett, from the Committee on The Legislature, its Organization, etc., to which was referred proposed amendment introduced by Mr. Bernstein (No. 303, Int. No. 299), entitled "Proposed constitutional amendment to amend Sections one and two of Article III of the Constitution, so as to provide for a unicameral Legislature, composed of a Senate of one hundred members, two of whom shall be elected from each Senate district," reported adversely thereto.

On motion of Mr. Brackett, consideration of said report was postponed until Tuesday next.

Mr. S. K. Phillips, from the Committee on Contingent Expenses, presented the following report:

The Committee on Contingent Expenses reports back the communication addressed by The Legislative Index Publishing Co. to the Honorable Elihu Root, President of the Convention, under date of June 2, 1915, upon the subject of furnishing the index and record of all proposed amendments for use of the delegates, with the recommendation that the following resolution be adopted:

Resolved, That the Secretary contract with The Legislative Index Publishing Co. for 170 copies of the Legislative Index, one for each delegate and two for the Secretaries, at a cost of $18.50 each.

Mr. President put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative.

Mr. M. Saxe, from the Committee on Taxation, presented the following report:

The Committee on Taxation reports herewith a proposal for the establishment of a State Tax Commission.

From a study of the development of State taxation throughout the country it appears that beginning with 1843 special State tax commissions were instituted for investigating the subject of taxation. This led to the establishment of permanent tax commissions in the various States.

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Approximately half of the States of the Union now have permanent tax commissions. As a result of the work of these bodies, a noticeable advance in the methods of administration of tax laws has ensued. By reason of the process of education necessarily incidental to any change in a method or system of taxation, the development of improvement in tax systems is slow and tedious. It is, therefore, important that the quality of continuity be given to the work of the State Tax Commission to the end that a harmoniously comprehensive system of taxation may be properly and intelligently developed. With the changes of State administration the desirable quality of permanency in the State Tax Commission is constantly endangered.

On account of the tremendous cost of government, with its tendency to increase rather than diminish, the subject of taxation now occupies a foremost place in the public mind and the desirability of the development of proper systems of taxation along permanent lines is of paramount importance.

For the foregoing reasons the Committee on Taxation makes the recommendation for the establishment of a Constitutional State Tax Commission.

The committee requests that the accompanying proposal and report be referred back to this committee and a copy thereof sent to the Committee on Governor and Other State Officers, etc., for its information and opinion in connection with the policy of establishing Constitutional Commissions.

Respectfully submitted,

MARTIN SAXE,
Chairman.

The Committee on Taxation reports by "Proposed constitutional amendment to amend Article V, by inserting a new section providing for the establishment of a State Tax Commission" (Int. No. 612), which was read twice, ordered printed and referred to the Committee on Taxation. A printed copy to be sent to the Committee on Governor and Other State Officers, etc., with authority to report such opinions thereon as it may deem advisable.

On motion of Mr. Wickersham, the Convention adjourned.

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FRIDAY, JUNE 11, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. Charles M. Nickerson, Troy.

On motion of Mr. Wickersham, the journal of Wednesday, June 9th, was approved.

Mr. President presented the communication of Mr. Leonard Klaber, which was referred to the Committee on Judiciary.

Also, the communication of Mr. Charles M. Higgins, which was referred to the Committee on Bill of Rights.

Mr. President presented the report of the State Commissioner of Highways, in response to resolution of the Convention, adopted May 6th, which was referred to the Committee on Public Utilities.

Mr. Stimson offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the hearings of the Hon. John J. Fitzgerald, President Frank J. Goodnow, President A. Lawrence Lowell and the Hon. William H. Taft before the Committee on Governor and Other State Officers, etc., and the Committee on the State Finances, Revenues and Expenditures be printed as a document of the Convention.

which was agreed to.

Mr. Parsons offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Secretary be authorized to pay to the clergymen who open the Convention with prayer the same compensation for their services as is paid for opening the Senate and Assembly.

which was agreed to.

On motion of Mr. Tanner, a printed copy of proposed amendment (No. 447, Int. No. 435), entitled "Proposed constitutional amendment to amend Section one of Article X of the Constitution, in relation to the removal of county officers," heretofore referred to the Committee on County, Town and Village Officers, was ordered sent to the Committee on Governor and Other State Officers, etc., with authority to report such opinions thereon as it may deem advisable.

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On motion of Mr. Tanner, a printed copy of proposed amendment (No. 467, Int. No. 455), entitled "Proposed constitutional amendment to amend Article VIII of the Constitution, in relation to regulation of the issuance of municipal securities," heretofore referred to the Committee on the State Finances, Revenues and Expenditures, was ordered sent to the Committee on Governor and Other State Officers, etc., with authority to report such opinions thereon as it may deem advisable.

On motion of Mr. Tanner, a printed copy of proposed amendment (No. 470, Int. No. 458), entitled "Proposed constitutional amendment to amend Sections twenty-one and twenty-two of Article III, and Section four of Article IV of the Constitution, so as to provide a scientific budget system for the state," heretofore referred to the Committee on the State Finances, Revenues and Expenditures, was ordered sent to the Committee on Governor and Other State Officers, etc., with authority to report such opinions thereon as it may deem advisable.

On motion of Mr. Tanner, a printed copy of proposed amendment (No. 473, Int. No. 461), entitled "Proposed constitutional amendment to amend Section six of Article I of the Constitution, in relation to the trial of an accused person upon an information, without presentment or indictment by a grand jury, upon the request of such person and the consent of the district attorney," heretofore referred to the Committee on Bill of Rights, was ordered sent to the Committee on Governor and Other State Officers, etc., with authority to report such opinions thereon as it may deem advisable.

On motion of Mr. Parsons, a printed copy of proposed amendment (No. 555, Int. No. 540), entitled "Proposed constitutional amendment to amend Sections one, two, three, four, five, six, seven, eight and nine of Article IV, and Sections one, two, three, four, five, six, seven, eight and nine of Article V, relating to the organization of the executive branch of the government and the powers and duties of the Governor and other State officers," heretofore referred to the Committee on Governor and Other State Officers, etc., was ordered sent to the Committee on Industrial Interests and Relations with authority to report such opinions thereon as it may deem advisable.

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The Secretary called the roll by districts and the following propositions were introduced:

By Mr. Weed: "A proposition to amend Section one of Article XII of the Constitution, by adding thereto provisions in relation to local self-government by cities" (Int. No. 613), which was read twice, ordered printed and referred to the Committee on Cities.

Also, "A proposition to amend Section nine of Article V of the Constitution, by inserting therein a provision relating to Spanish war veterans" (Int. No. 614), which was read twice, ordered printed and referred to the Committee on Civil Service.

By Mr. Buxbaum: "A proposition to amend Section nine of Article IV of the Constitution, in relation to the reconsideration by the Legislature of thirty-day bills not approved by the Governor, and certain special city bills" (Int. No. 615), which was read twice, ordered printed and referred to the Committee on Legislative Powers. A printed copy to be sent to the Committee on Governor and Other State Officers, etc., and the Committee on Cities with authority to report such opinions thereon as they may deem advisable.

Also, "A proposition to amend Section nine of Article IV of the Constitution, in relation to the reconsideration by the Legislature of thirty-day bills not approved by the Governor, and certain special city bills" (Int. No. 616), which was read twice, ordered printed and referred to the Committee on Legislative Powers. A printed copy to be sent to the Committee on Governor and Other State Officers, etc., and the Committee on Cities with authority to report such opinions thereon as they may deem advisable.

By Mr. Steinbrink (by request): "A proposition to amend Section seven of Article I of the Constitution, in relation to taking private property for public use" (Int. No. 617), which was read twice, ordered printed and referred to the Committee on Bill of Rights. A printed copy to be sent to the Committee on Canals with authority to report such opinions thereon as it may deem advisable.

Also (by request), "A proposition to amend Article X of the Constitution, by inserting an additional section relating to pensions of officers and employees" (Int. No. 618), which was read twice, ordered printed and referred to the Committee on Governor and

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Other State Officers, etc. A printed copy to be sent to the Committee on Cities with authority to report such opinions thereon as it may deem advisable.

Also (by request), "A proposition to amend Article III of the Constitution, in relation to exemptions from taxation" (Int. No. 619), which was read twice, ordered printed and referred to the Committee on Taxation. A printed copy to be sent to the Committee on Cities and the Committee on the State Finances, Revenues and Expenditures with authority to report such opinions thereon as they may deem advisable.

Also (by request), "A proposition to amend Article III, Section twenty-four of the Constitution, by adding thereto a provision relating to taxation" (Int. No. 620), which was read twice, ordered printed and referred to the Committee on Taxation. A printed copy to be sent to the Committee on Governor and Other State Officers, etc., with authority to report such opinions thereon as it may deem advisable.

Also (by request), "A proposition to amend Section seventeen of Article VI of the Constitution, in relation to the municipal court of the city of New York" (Int. No. 621), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Baldwin (by request): "A proposition to amend Article III of the Constitution, by inserting therein a new section relating to revision of code amendments by the chief judge of the Court of Appeals and the presiding justices of the Appellate Divisions before final enactment into law" (Int. No. 622), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Tanner: "A proposition to amend Article IV of the Constitution, in relation to the power of the Governor to remove officers appointed by him" (Int. No. 623), which was read twice, ordered printed and referred to the Committee on Governor and Other State Officers, etc.

By Mr. Wickersham: "A proposition to amend Section eighteen of Article III of the Constitution, in relation to passage by the Legislature of private or local bills" (Int. No. 624), which was read twice, ordered printed and referred to the Committee on Legislative Powers.

By Mr. Low: "A proposition to amend Article III of the Constitution, in relation to the alteration of boundaries of municipal-

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ities" (Int. No. 625), which was read twice, ordered printed and referred to the Committee on Cities. A printed copy to be sent to the Committee on Counties, Towns and Villages, their Organization, Government, etc., with authority to report such opinions thereon as it may deem advisable.

By Mr. C. Nicoll (by request): "A proposition to amend Article III of the Constitution, in relation to the composition of the Senate and Assembly and the terms of members" (Int. No. 626), which was read twice, ordered printed and referred to the Committee on the Legislature, its Organization, etc.

By Mr. Bell: "A proposition to repeal Section five of Article IV of the Constitution, relating to the pardoning power of the Governor, and to amend Sections eleven and twelve of Article VIII of the Constitution, so as to provide for the creation of a State board of pardons, and the transfer to it of the pardoning power now vested in the Governor" (Int. No. 627), which was read twice, ordered printed and referred to the Committee on Governor and Other State Officers, etc. A printed copy to be sent to the Committee on Prisons with authority to report such opinions thereon as it may deem advisable.

By Mr. Parsons (by request): "A proposition to amend Section fifteen of Article III, in relation to the manner of passing bills" (Int. No. 628), which was read twice, ordered printed and referred to the Committee on Legislative Powers.

Also, "A proposition to amend Article VII, Section five of the Constitution, to avoid the unnecessary accumulation of sinking funds" (Int. No. 629), which was read twice, ordered printed and referred to the Committee on the State Finances, Revenues and Expenditures.

Also, "A proposition to amend Article V of the Constitution, by adding a new section to provide for a budget" (Int. No. 630), which was read twice, ordered printed and referred to the Committee on the State Finances, Revenues and Expenditures. A printed copy to be sent to the Committee on Legislative Powers and the Committee on Governor and Other State Officers, etc., with authority to report such opinions thereon as they may deem advisable.

By Mr. Leary: "A proposition to add a new Section seven-a to Article VII for the establishment of a special fund for the propa-

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gation of fish and game and reforestation of State lands" (Int. No. 631), which was read twice, ordered printed and referred to the Committee on Conservation of Natural Resources. A printed copy to be sent to the Committee on the State Finances, Revenues and Expenditures with authority to report such opinions thereon as it may deem advisable.

By Mr. Donnelly: "A proposition to amend the tax provisions of the Constitution, by providing that not less than fifty per centum of certain specific taxes shall be repaid to the city, town or village in which such taxes originated" (Int. No. 632), which was read twice, ordered printed and referred to the Committee on the State Finances, Revenues and Expenditures.

Also, "A proposition to amend Section seven of Article I, relative to the taking of private property and to provide for the payment of damages for change of grade" (Int. No. 633), which was read twice, ordered printed and referred to the Committee on Bill of Rights.

Also, "A proposition to amend Section twenty-six of Article III, relative to board of supervisors, limiting their powers and conferring upon a purchasing agent the right heretofore exercised by boards of supervisors in purchasing supplies and providing for a county comptroller and for the auditing of bills" (Int. No. 634), which was read twice, ordered printed and referred to the Committee on Counties, Towns and Villages, their Organization, Government, etc.

Also, "A proposition to amend Section one of Article V, by providing for the appointment of State officers by the Governor by and with the advice and consent of the Senate" (Int. No. 635), which was read twice, ordered printed and referred to the Committee on Governor and Other State Officers, etc.

By Mr. F. Martin: "A proposition to amend Section six of Article I of the Constitution, in relation to allowing certain appeals by the people in criminal cases" (Int. No. 636), which was read twice, ordered printed and referred to the Committee on Bill of Rights. A printed copy to be sent to the Committee on Judiciary with authority to report such opinions thereon as it may deem advisable.

By Mr. Hinman: "A proposition to amend Sections eleven, thirteen and fifteen of Article VIII of the Constitution, and to

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repeal Section twelve of Article VIII and Section four of Article V of the Constitution, relative to the establishment of a State board of charities and corrections and the appointment and powers and duties of such board" (Int. No. 637), which was read twice, ordered printed and referred to the Committee on Governor and Other State Officers, etc. A printed copy to be sent to the Committee on Charities and Committee on Prisons, etc., and the Prevention and Punishment of Crime, with authority to report such opinions thereon as they may deem advisable.

Also, "A proposition to amend Section six of Article X of the Constitution, in relation to the fiscal year and to monthly meetings of the Legislature and payment of salaries and expenses of the members thereof" (Int. No. 638), which was read twice, ordered printed and referred to the Committee on The Legislature, its Organization, etc. A printed copy to be sent to the Committee on the State Finances, Revenues and Expenditures with authority to report such opinions thereon as it may deem advisable.

Also, "A proposition to amend the Constitution, by adding a new article creating public service commissions and prescribing their jurisdiction, powers and duties" (Int. No. 639), which was read twice, ordered printed and referred to the Committee on Public Utilities. A printed copy to be sent to the Committee on Governor and Other State Officers, etc., with authority to report such opinions thereon as it may deem advisable.

By Mr. Barnes: "A proposition to amend Section seven of Article I of the Constitution, in relation to public utilities" (Int. No. 640), which was read twice, ordered printed and referred to the Committee on Public Utilities.

By Mr. McKean (by request): "A proposition to amend Section nine of Article V of the Constitution, in relation to employees in the civil service of the State" (Int. No. 641), which was read twice, ordered printed and referred to the Committee on Civil Service.

Also (by request), "A proposition to amend Section nine of Article V of the Constitution, in relation to employees in the civil service of the State" (Int. No. 642), which was read twice, ordered printed and referred to the Committee on Civil Service.

By Mr. Brackett (by request): "A proposition to amend Section nine of Article I of the Constitution, in relation to lotteries, sales

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of lottery tickets" (Int. No. 643), which was read twice, ordered printed and referred to the Committee on Bill of Rights.

Also (by request), "A proposition to amend Section nine of Article I of the Constitution, in relation to lotteries, sales of lottery tickets, pool-selling, book-making and gambling" (Int. No. 644), which was read twice, ordered printed and referred to the Committee on Bill of Rights.

By Mr. Landreth: "A proposition to amend Article V of the Constitution, in relation to a State department of engineering and public works" (Int. No. 645), which was read twice, ordered printed and referred to the Committee on Governor and Other State Officers, etc.

By Mr. Van Ness (by request): "A proposition to amend Article VIII of the Constitution, in relation to issuance of State and municipal securities and providing for their advertisement" (Int. No. 646), which was read twice, ordered printed and referred to the Committee on the State Finances, Revenues and Expenditures. A printed copy to be sent to the Committee on Cities with authority to report such opinions thereon as it may deem advisable.

By Mr. Waterman: "A proposition to amend Sections eleven, twelve, thirteen and fifteen of Article VIII of the Constitution, and to insert a new section in such article, in relation to the State Board of Charities, providing for visiting and inspecting of public and private institutions and societies" (Int. No. 647), which was read twice, ordered printed and referred to the Committee on Governor and Other State Officers, etc. A printed copy to be sent to the Committee on Charities with authority to report such opinions thereon as it may deem advisable.

By Mr. E. N. Smith: "A proposition to amend Section three of Article VIII of the Constitution, in relation to voting by shareholders at all corporate elections of stock corporations" (Int. No. 648), which was read twice, ordered printed and referred to the Committee on Corporations.

Also, "A proposition to amend Section four of Article VII of the Constitution, by adding thereto a provision in reference to serial bonds" (Int. No. 649), which was read twice, ordered printed and referred to the Committee on the State Finances, Revenues and Expenditures. A printed copy to be sent to the

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Committee on Cities with authority to report such opinions thereon as it may deem advisable.

By Mr. Cobb (by request): "A proposition to amend Article XII of the Constitution, relating to cities and incorporated villages so as to regulate legislation concerning their organization and management, and to give them powers of municipal self-government" (Int. No. 650), which was read twice, ordered printed and referred to the Committee on Cities. A printed copy to be sent to the Committee on Counties, Towns and Villages, their Organization, Government, etc., with authority to report such opinions thereon as it may deem advisable.

Also (by request), "A proposition to amend Section four of Article II of the Constitution, in relation to the registration of voters in rural communities" (Int. No. 651), which was read twice, ordered printed and referred to the Committee on Suffrage.

Also, "A proposition to amend Section two of Article II of the Constitution, in relation to persons excluded from the right of suffrage" (Int. No. 652), which was read twice, ordered printed and referred to the Committee on Suffrage.

Also (by request), "A proposition to amend Article III of the Constitution, in relation to members of the Senate and Assembly practicing as attorneys before the executive and administrative departments of the State" (Int. No. 653), which was read twice, ordered printed and referred to the Committee on The Legislature, its Organization, etc.

By Mr. Green: "A proposition to amend Section one of Article II of the Constitution, in relation to qualification of voters" (Int. No. 654), which was read twice, ordered printed and referred to the Committee on Suffrage.

Also (by request), "A proposition to amend Sections one and two of Article XII of the Constitution, in relation to the incorporation of and legislation affecting cities and villages" (Int. No. 655), which was read twice, ordered printed and referred to the Committee on Cities. A printed copy to be sent to the Committee on Counties, Towns and Villages, their Organization, Government, etc., with authority to report such opinions thereon as it may deem advisable.

Also (by request), "A proposition to amend Article V of the Constitution, in relation to the office of State Commissioner of

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Jurors and to qualifications for jury service" (Int. No. 656), which was read twice, ordered printed and referred to the Committee on Judiciary. A printed copy to be sent to the Committee on Governor and Other State Officers, etc., with authority to report such opinions thereon as it may deem advisable.

By Mr. Rhees (by request): "A proposition to amend Section nine of Article V of the Constitution, in relation to providing for the enforcement of provisions of this Constitution and of law relating to the civil service" (Int. No. 657), which was read twice, ordered printed and referred to the Committee on Civil Service.

Also (by request), "A proposition to amend Section nine of Article V of the Constitution, in relation to the State Civil Service Commission and its powers and duties" (Int. No. 658), which was read twice, ordered printed and referred to the Committee on Civil Service.

By Mr. Tuck: "A proposition to amend Section three of Article XI of the Constitution, in relation to service in the organized active militia of the State" (Int. No. 659), which was read twice, ordered printed and referred to the Committee on Militia and Military Affairs.

By Mr. Dahm: "A proposition to amend Section one of Article III, providing for the initiative and referendum" (Int. No. 660), which was read twice, ordered printed and referred to the Committee on Legislative Powers.

By Mr. Curran: "A proposition to amend Article I of the Constitution, by providing for the abolition of capital punishment" (Int. No. 661), which was read twice, ordered printed and referred to the Committee on Bill of Rights.

By Mr. Franchot: "A proposition to amend Article XII of the Constitution, so as to provide for an optional system of home rule in cities" (Int. No. 662), which was read twice, ordered printed and referred to the Committee on Cities. A printed copy to be sent to the Committee on Legislative Powers with authority to report such opinions thereon as it may deem advisable.

Also, "A proposition to amend Section one of Article II of the Constitution, by providing that in the event of the approval by the people at the general election in the year one thousand nine hundred fifteen of the amendment to said section proposed by the Legislature, granting the right of suffrage to women, the said

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Section one of Article II shall be amended as set forth in the said amendment proposed by the Legislature" (Int. No. 663), which was read twice, ordered printed and referred to the Committee on Suffrage.

By Mr. Sears: "A proposition to amend Sections four and eight of Article VI, and Section five of Article X of the Constitution, so as to provide for the election of the chief and associate judges of the Court of Appeals and justices of the Supreme Court in odd numbered years only" (Int. No. 664), which was read twice, ordered printed and referred to the Committee on Judiciary.

By Mr. Sanders: "A proposition to amend Section ten of Article VIII of the Constitution, in relation to limitation upon the power of cities to incur indebtedness" (Int. No. 665), which was read twice, ordered printed and referred to the Committee on Cities.

By Mr. Nixon: "A proposition to amend Article IX, Section four, making schools inspection compulsory and compelling exclusive use of English text books" (Int. No. 666), which was read twice, ordered printed and referred to the Committee on Education.

By Mr. Westwood: "A proposition to amend Section thirteen of Article III of the Constitution, by limiting the number of bills which may be passed weekly by the Houses of the Legislature" (Int. No. 667), which was read twice, ordered printed and referred to the Committee on Legislative Powers.

Mr. Wickersham offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Judiciary be discharged from the further consideration of proposed amendment (No. 384, Int. No. 377), entitled "Proposed constitutional amendment to amend Section fourteen of Article VI of the Constitution, in relation to county courts, the city court of the city of New York and the court of general sessions in the county of New York, creating the superior court of the city of New York."

which was agreed to.

Said proposition having been announced, on motion of Mr. Wickersham, the same was ordered amended as follows:

Strike out all after the enacting clause and insert Printed No. 628.

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Ordered, Reprinted and recommitted to said committee.

Mr. Parsons offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Governor and Other State Officers, etc., be discharged from the further consideration of proposed amendment (No. 597, Int. No. 582), entitled "Proposed constitutional amendment to amend Article V of the Constitution, by repealing Section eight thereof, in relation to prohibiting the creation of certain offices," and that the same be referred to the Committee on Industrial Interests and Relations. A printed copy to be sent to the Committee on Governor and Other State Officers, etc., with authority to report such opinions thereon as it may deem advisable.

The President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. S. K. Phillips, from the Committee on Contingent Expenses, presented the following report:

The Committee on Contingent Expenses recommends the adoption of the following resolution: Resolved, That the Secretary be authorized and directed to contract for a supply of individual sanitary drinking cups.

Mr. President put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative.

On motion of Mr. Wickersham, the Convention adjourned.

TUESDAY, JUNE 15, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. John B. Bulnes.

On motion of Mr. Wickersham, the journal of Thursday, June 10th, was approved.

Mr. Westwood presented the memorial of residents of Fredonia, which was referred to the Committee on Taxation.

Mr. President presented the memorial of the New York State Federation of Labor, which was referred to the Committee on Bill of Rights.

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Also, the communication of Mr. Charles M. Higgins, which was referred to the Committee on Bill of Rights.

Also, the communication of the Interdenominational Committee on Religious Education, which was referred to the Committee on Education.

Also, the communication of Mr. S. B. Clarke, which was referred to the Committee on Judiciary.

Mr. Barnes offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Legislative Powers be discharged from the further consideration of Proposed Amendment (No. 330, Int. No. 326) entitled "Proposed constitutional amendment to amend Section twenty-one of Article III of the Constitution, in relation to laws appropriating moneys," and the same be referred to the Committee on the State Finances, Revenues and Expenditures.

The President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. Barnes offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Legislative Powers be discharged from the further consideration of Proposed Amendment (No. 429, Int. No. 417) entitled "Proposed constitutional amendment to amend Section two of Article III of the Constitution, in relation to the election and term of office of Senators and Members of the Assembly," and that the same be referred to the Committee on The Legislature, its Organization, etc.

The President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

On motion of Mr. Tanner, printed copies of proposed amendments (No. 556, Int. No. 541) entitled "Proposed constitutional amendment to amend Article VI of the Constitution in relation to the nomination of judges."

(No. 573, Int. No. 558) entitled "Proposed constitutional amendment to amend the State Constitution, in relation to determination of the constitutionality of statutes."

(No. 672, Int. No. 656) entitled "Proposed constitutional amendment to amend Article V of the Constitution, in relation to the office of State Commissioner of Jurors and to qualifications

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for jury service," heretofore referred to the Committee on Judiciary, were ordered sent to the Committee on Governor and Other State Officers, etc., with authority to report such opinions thereon as it may deem advisable.

On motion of Mr. Tanner, printed copies of proposed amendments (No. 562, Int. No. 547), entitled "Proposed constitutional amendment to amend Article III of the Constitution, to establish a legislative drafting bureau."

(No. 616, Int. No. 601) entitled "Proposed constitutional amendment to amend Section fifteen of Article III of the Constitution, in relation to eliminating the provision permitting the passage of bills upon emergency messages from the Governor," heretofore referred to the Committee on Legislative Powers, were ordered sent to the Committee on Governor and Other State Officers, etc., with authority to report such opinions thereon as it may deem advisable.

On motion of Mr. Tanner, printed copies of proposed amendments (No. 673, Int. No. 657) entitled "Proposed constitutional amendment to amend Section nine of Article V of the Constitution, in relation to providing for the enforcement of provisions of this Constitution and of law relating to the civil service."

(No. 674, Int. No. 658) entitled "Proposed constitutional amendment to amend Section nine of Article V of the Constitution, in relation to the State Civil Service Commission and its powers and duties," heretofore referred to the Committee on Civil Service, were ordered sent to the Committee on Governor and Other State Officers, etc., with authority to report such opinions thereon as it may deem advisable.

On motion of Mr. Low, printed copies of proposed amendments (No. 655, Int. No. 639) entitled "Proposed constitutional amendment to amend the Constitution, by adding a new article, creating public service commissions and prescribing their jurisdiction, powers and duties."

(No. 656, Int. No. 640) entitled "Proposed constitutional amendment to amend Section seven of Article I of the Constitution, in relation to public utilities," heretofore referred to the Committee on Public Utilities, were ordered sent to the Commit-

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tee on Cities with authority to report such opinions thereon as it may deem advisable.

On motion of Mr. Low, a printed copy of proposed amendment (No. 640, Int. No. 624) entitled "Proposed constitutional amendment to amend Section eighteen of Article III of the Constitution," heretofore referred to the Committee on Legislative Powers, was ordered sent to the Committee on Cities with authority to report such opinions thereon as it may deem advisable.

On motion of Mr. Low, a printed copy of proposed amendment (No. 648, Int. No. 632) entitled "Proposed constitutional amendment to amend the tax provisions of the Constitution, by providing that not less than fifty per centum of certain specific taxes shall be repaid to the city, town or village in which such taxes originated," heretofore referred to the Committee on the State Finances, Revenues and Expenditures, was ordered sent to the Committee on Cities with authority to report such opinions thereon as it may deem advisable.

Mr. Lincoln offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Judiciary be discharged from the further consideration of Proposed Amendment (No. 623, Int. No. 608) entitled "Proposed constitutional amendment to amend Section fourteen of Article VI of the Constitution, in relation to the jurisdiction of county courts as to corporations."

which was agreed to.

Said proposition having been announced, on motion of Mr. Lincoln, the same was amended as follows:

Page 2, line 19, before the word "having" insert in italics the word "not".

Ordered, Reprinted and recommitted to said committee.

On motion of Mr. Whipple, printed copies of proposed amendments (No. 85, Int. No. 85) entitled "Proposed constitutional amendment to amend Section one of Article V of the Constitution, in respect to state officers and the selection thereof."

(No. 172, Int. No. 172) entitled "Proposed constitutional amendment to amend Article V of the Constitution, by providing for the appointment by the Governor of State officers."

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(No. 510, Int. No. 498) entitled "Proposed constitutional amendment to amend Sections one, two, three, four, five, six, seven, eight and nine of Article IV, and Sections one, two, three, four, five, six, seven, eight and nine of Article V of the Constitution, relating to the organization of the executive branch of the government and the powers and duties of the Governor and other State officers," heretofore referred to the Committee on Governor and Other State Officers, etc., were ordered sent to the Committee on Conservation of Natural Resources with authority to report such opinions thereon as it may deem advisable.

On motion of Mr. Whipple, printed copies of proposed amendments (No. 264, Int. No. 261) entitled "Proposed constitutional amendment to amend Section six of Article I, providing for compensation for private property injured by public use."

(No. 512, Int. No. 500) entitled "Proposed constitutional amendment to amend Sections six and seven of Article I of the Constitution, in relation to the taking and regulation of private property for public uses," heretofore referred to the Committee on Bill of Rights, were ordered sent to the Committee on Conservation of Natural Resources with authority to report such opinions thereon as it may deem advisable.

On motion of Mr. Whipple, a printed copy of proposed amendment (No. 159, Int. No. 159) entitled "Proposed constitutional amendment to amend Section eight of Article VII of the Constitution, in relation to the sale of abandoned portions of canals and disposition of funds," heretofore referred to the Committee on Canals, was ordered sent to the Committee on Conservation of Natural Resources with authority to report such opinions thereon as it may deem advisable.

On motion of Mr. Whipple, a printed copy of proposed amendment (No. 28, Int. No. 28) entitled "Proposed constitutional amendment to amend the Constitution, by inserting a new section on franchises in Article III," heretofore referred to the Committee on Legislative Powers, was ordered sent to the Committee on Conservation of Natural Resources with authority to report such opinions thereon as it may deem advisable.

Mr. Whipple offered for the consideration of the Convention a resolution, in the words following:

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Resolved, That the official stenographer be, and he is hereby, directed to arrange for the prompt attendance of the general stenographers at nine o'clock, sharp, on Tuesdays, Wednesdays, Thursdays and Fridays, and for at least three of said stenographers to attend each Monday and each Saturday forenoon.

Mr. J. L. O'Brian moved to refer said resolution to the Committee on Rules.

Mr. Mereness moved to amend said motion by adding the words "with instructions to report at the session of Thursday next", which amendment was accepted by Mr. O'Brian.

Mr. President put the question whether the Convention would agree to said motion as amended, and it was determined in the negative.

Mr. President then put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

By unanimous consent, Mr. Brackett introduced (by request) a proposition to amend Article VIII, by adding a new section, to be numbered sixteen, in relation to the duties and the maintenance and support of the State Department of Health" (Int. No. 668), which was read twice, ordered printed and referred to the Committee on Governor and Other State Officers, etc. A printed copy to be sent to the Committee on the State Finances, Revenues and Expenditures with authority to report such opinions thereon as it may deem advisable.

Mr. Sears, from the Committee on Contingent Expenses, presented the following report:

Your Committee on Contingent Expenses reports with reference to the matter of a supply of drinking water for the Convention, that it has received from the Great Bear Spring Water Company a proposition to supply the Convention with sufficient drinking water during the session for $350, based on 100 days' service (6 days in the week), and $3.50 per day for each additional day beyond 100 days.

Your committee has also received a similar offer from Hathorne & Company for a supply of drinking water from the Saratoga Soft Sweet Spring.

Considering the fact that the Great Bear Spring Water Company has supplied water to the Senate and Assembly during the last session of the Legislature, is now supplying the departments

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in the Capitol, and has to date supplied drinking water to this Convention, has a branch house in Albany, where a large reserve amount of drinking water is stored, and is fully equipped to carry out its contract, and considering the fact that the water from the Saratoga Spring has never been supplied in large quantities to consumers in Albany, that the management has no facilities for the storage of a reserve supply in Albany, and contemplates bringing the water from Saratoga by truck, as the demand may require, your committee favors the giving of the contract to the Great Bear Spring Water Company, and recommends the adoption of the following resolution:

Resolved, That the Secretary be, and he is hereby, authorized to contract with the Great Bear Spring Water Company for the supply of drinking water for the Convention, including the supply of all necessary coolers for the Convention rooms, and all officers and committee rooms, at the rate of $350 for the first 100 days of the session beginning April 26th (6 days in the week), and $3.50 per day for each additional day.

SAMUEL K. PHILLIPS,
GORDON KNOX BELL,
ALAN C. FOBES,
SEVERN B. SHARPE,
CHARLES B. SEARS,
THOMAS N. MULRY,
WILLIAM N. DYKMAN.

Mr. Brackett moved that the report of the Committee on Contingent Expenses as to the water to be supplied to the Convention be recommitted to the committee with instructions:

1. To cause the several waters offered for the use of the Convention to be analyzed by the Department of Health and to have a written report made as to which water is the purest and the freest from bacteria and foreign matter.

2. To (the committee) report the result to the Convention and that the water thus declared by the health department analysis the purest and freest from bacteria and foreign matter be accepted as the water to be furnished to the Convention.

Debate was had.

Mr. President put the question whether the Convention would agree to said motion, and it was determined in the negative.

Mr. President then put the question whether the Convention

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would agree to said report and resolution, and it was determined in the affirmative.

Mr. Wickersham offered for the consideration of the Convention a resolution, in the words following:

Resolved, That Rule 32 be amended by striking out the words "if the report be agreed to" in line 6 of said rule.

Mr. M. Saxe moved to amend said resolution by adding thereto the words "and by inserting in line 5 after the word "reported" the words "except for introduction".

On motion of Mr. J. L. O'Brian, said resolution and amendment were referred to the Committee on Rules.

Mr. Barnes, from the Committee on Legislative Powers, to which was referred proposed amendment introduced by Mr. Austin (No. 34, Int. No. 34), entitled "Proposed constitutional amendment to amend Article I of the Constitution, by striking therefrom the provisions of Section thirteen of said article, relating to leases and grants of agricultural land," reported in favor of the passage of the same, without amendment, which report was agreed to, and said proposition referred to the Committee of the Whole.

Mr. Barnes, from the Committee on Legislative Powers, to which was referred proposed amendment introduced by Mr. R. B. Smith (No. 410, Int. No. 289), entitled "Proposed constitutional amendment to amend Section twenty-eight of Article III of the Constitution, in relation to the granting or allowing of extra compensation by legislative bodies or auditing boards, bodies or officers," reported in favor of the passage of the same, without amendment, which report was agreed to, and said proposition referred to the Committee of the Whole.

Mr. Barnes, from the Committee on Legislative Powers, to which was referred proposed amendment introduced by Mr. J. G. Saxe (No. 215, Int. No. 214), entitled "Proposed constitutional amendment to amend Section eighteen, Article III of the Constitution, in relation to limitations of the power of the Legislature to pass private or local bills, by prohibiting private claim bills,"

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reported in favor of the passage of the same, without amendment, which report was agreed to, and said proposition referred to the Committee of the Whole.

Mr. Barnes, from the Committee on Legislative Powers, to which was referred proposed amendment introduced by Mr. Austin (No. 376, Int. No. 78), entitled "Proposed constitutional amendment to amend Section fifteen of Article III of the Constitution, relative to the passage of bills by the Legislature, by striking out the authorization for the passage of bills under emergency messages from the Governor," reported in favor of the passage of the same, without amendment, which report was agreed to, and said proposition referred to the Committee of the Whole.

Mr. Brackett called up the report of the Committee on The Legislature, its Organization, etc., upon the resolution introduced by Mr. Quigg, relating to the composition of the Legislature, consideration of which was set down for this day.

Debate was had.

On motion of Mr. Wickersham, the Convention took a recess until two o'clock and thirty minutes P. M.

TWO O'CLOCK AND THIRTY MINUTES P. M.

The Convention again convened.

Mr. Akin moved to substitute for said report the minority report of said committee submitted to the Convention June 8th.

Debate was had.

Mr. Wickersham moved to postpone further consideration of said report until Thursday, June 24th, which was agreed to.

On motion of Mr. Low, Mr. Schurman was excused from the sessions of to-day and to-morrow.

On motion of Mr. Wickersham, the Convention adjourned.

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WEDNESDAY, JUNE 16, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. H. Dykhuizen.

On motion of Mr. Wickersham, the journal of Friday, June 11th, was approved.

On motion of Mr. Parsons, a printed copy of Proposed Amendment (No. 671, Int. No. 655) entitled "Proposed constitutional amendment to amend Sections one and two of Article XII of the Constitution, in relation to the incorporation of and legislation affecting cities and villages," heretofore referred to the Committee on Cities, was ordered sent to the Committee on Industrial Interests and Relations with authority to report such opinions thereon as it may deem advisable.

On motion of Mr. Parsons, printed copies of Proposed Amendments (No. 86, Int. No. 86) entitled "Proposed constitutional amendment to amend Section two of Article V of the Constitution, in relation to the duties and powers of State officers, and creating administrative departments."

(No. 172, Int. No. 172) entitled "Proposed constitutional amendment to amend Article V of the Constitution, by providing for the appointment by the Governor of State officers."

(No. 570, Int. No. 555) entitled "Proposed constitutional amendment to amend Sections one, two, three and four of Article V of the Constitution, in relation to short ballot and eliminating necessity of confirmation by Senate of Governor's appointments," heretofore referred to the Committee on Governor and Other State Officers, etc., were ordered sent to the Committee on Industrial Interests and Relations with authority to report such opinions thereon as it may deem advisable.

On motion of Mr. Tanner, a printed copy of Proposed Amendment (No. 195, Int. No. 194) entitled "Proposed constitutional amendment to amend Article III of the Constitution, by inserting a new section, in relation to delegation of legislative power in matters affecting employees," heretofore referred to the Committee on Industrial Interests and Relations, was ordered sent to the Committee on Governor and Other State Officers, etc., with

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authority to report such opinions thereon as it may deem advisable.

On motion of Mr. Tanner, a printed copy of Proposed Amendment (No. 345, Int. No. 341) entitled "Proposed constitutional amendment to amend Article V of the Constitution, in relation to departmental estimates as a basis for desired appropriations," heretofore referred to the Committee on the State Finances, Revenues and Expenditures, was ordered sent to the Committee on Governor and Other State Officers, etc., with authority to report such opinions thereon as it may deem advisable.

On motion of Mr. Tanner, a printed copy of Proposed Amendment (No. 472, Int. No. 460) entitled "Proposed constitutional amendment to amend Section one of Article X of the Constitution and to insert a new section therein, in relation to court review of removals of public elective officers," heretofore referred to the Committee on County, Town and Village Officers, was ordered sent to the Committee on Governor and Other State Officers, etc., with authority to report such opinions thereon as it may deem advisable.

Mr. Tanner offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Governor and Other State Officers, etc., be discharged from the further consideration of Proposed Amendment (No. 608, Int. No. 593) entitled "Proposed constitutional amendment to amend Sections eleven and twelve of Article VIII of the Constitution, to create a department of charities and correction as a division of the executive branch of the State government," and that the same be referred to the Committee on Charities. A printed copy to be sent to the Committee on Governor and Other State Officers, etc., with authority to report such opinions thereon as it may deem advisable.

The President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. Tanner offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Governor and Other State Officers, etc., be discharged from the further consideration of Proposed Amendment (No. 663, Int. No. 647) entitled "Proposed constitutional amendment to amend Sections eleven, twelve,

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thirteen and fifteen of Article VIII of the Constitution, and to insert a new section in such article, in relation to the State Board of Charities, providing for visiting and inspecting of public and private institutions and societies," and that the same be referred to the Committee on Charities. A printed copy to be sent to the Committee on Governor and Other State Officers, etc., with authority to report such opinions thereon as it may deem advisable.

The President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

By unanimous consent, Mr. Bannister introduced "A proposition to amend Article III of the Constitution, in relation to legislation to limit height and dimensions of buildings in cities, towns and villages" (Int. No. 669), which was read twice, ordered printed and referred to the Committee on Cities. A printed copy to be sent to the Committee on Legislative Powers with authority to report such opinions thereon as it may deem advisable.

Also, "A proposition to amend Article III of the Constitution, in relation to legislation to limit the use and occupancy of buildings in cities, towns and villages" (Int. No. 670), which was read twice, ordered printed and referred to the Committee on Cities. A printed copy to be sent to the Committee on Legislative Powers with authority to report such opinions thereon as it may deem advisable.

Also, "A proposition to amend Article I of the Constitution, in relation to the acquisition and disposal of property dangerous to public health and safety" (Int. No. 671), which was read twice, ordered printed and referred to the Committee on Cities. A printed copy to be sent to the Committee on Bill of Rights with authority to report such opinions thereon as it may deem advisable.

By unanimous consent, Mr. Leitner (by request) introduced "A proposition to amend Article III of the Constitution, in relation to forbidding legislation prohibiting physicians from receiving pay for services in public institutions" (Int. No. 672), which was read twice, ordered printed and referred to the Committee on Legislative Powers.

Mr. Sears, from the Committee on Contingent Expenses, to which was referred the resolution relative to the printing of a memorial presented by the Society of Tammany, introduced by

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Mr. T. F. Smith, reported in favor of the adoption of the following resolution:

Resolved, That the memorial of the Society of Tammany or Columbian Order be printed as a document of the Convention.

Mr. President put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative.

Mr. J. S. Phillips offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the communication from the Lieutenant-Governor and Acting Governor, dated June 8, 1915, in reply to a resolution of inquiry heretofore adopted by the Convention relating to the persons confined in the State prisons, pardons and applications for pardons, be printed as a document of the Convention and distributed to the delegates.

which was referred to the Committee on Contingent Expenses.

Mr. President announced the General Orders.

On motion of Mr. Wickersham, the further reading of the General Orders Calendar was dispensed with.

On motion of Mr. Wickersham, the Convention adjourned.

THURSDAY, JUNE 17, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. J. Addison Jones.

On motion of Mr. Wickersham, the journal of Tuesday, June 15th, was approved.

Mr. President presented the memorial of the common council of the city of Johnstown, which was referred to the Committee on Suffrage.

Also, the communication of the Game Bird Society of Indiana, which was referred to the Committee on Conservation of Natural Resources.

Also, the memorial of the Society of Friends of Glens Falls, which was referred to the Committee on Militia and Military Affairs.

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Also, the memorial of the Union League Club, which was referred to the Committee on Governor and Other State Officers, etc.

Also, the memorial of the Voters' League of New York, which was referred to the Committee on Suffrage.

Also, the memorial of the New York State Tax and Transportation Reform Association, which was referred to the Committee on Canals.

On motion of Mr. Latson, printed copies of Proposed Amendments (No. 85, Int. No. 85) entitled "Proposed constitutional amendment to amend Section one of Article V of the Constitution, in respect to State officers and the selection thereof."

(No. 86, Int. No. 86) entitled "Proposed constitutional amendment to amend Section two of Article V of the Constitution, in relation to the duties and powers of State officers, and creating administrative departments."

(No. 484, Int. No. 472) entitled "Proposed constitutional amendment to amend Articles IV, V, VIII, X and XI of the Constitution, in relation to the method of selection of the Secretary of State, Comptroller, Treasurer, Attorney-General, State Engineer and Surveyor and other State officials."

(No. 555, Int. No. 540) entitled "Proposed constitutional amendment to amend Sections one, two, three, four, five, six, seven, eight and nine of Article IV, and sections one, two, three, four, five, six, seven, eight and nine of Article V, relating to the organization of the executive branch of the government, and the powers and duties of the Governor and other State officers," heretofore referred to the Committee on Governor and Other State Officers, etc., were ordered sent to the Committee on Militia and Military Affairs with authority to report such opinions thereon as it may deem advisable.

On motion of Mr. Latson, printed copies of Proposed Amendments (No. 439, Int. No. 427) entitled "Proposed constitutional amendment to amend Section nine of Article V of the Constitution, so as to authorize the Legislature to extend a limited preference in appointments to the civil service to residents of this State who have been honorably discharged from the regular or volunteer military or naval forces of the United States, or who have honorably completed a term of enlistment in the active militia or National Guard of this State."

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(No. 266, Int. No. 263) entitled "Proposed constitutional amendment to amend Section nine of Article V of the Constitution, in relation to removals," heretofore referred to the Committee on Civil Service, were ordered sent to the Committee on Militia and Military Affairs with authority to report such opinions thereon as it may deem advisable.

Mr. Latson offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Bill of Rights be discharged from the further consideration of Proposed Amendment (No. 544, Int. No. 529) entitled "Proposed constitutional amendment to amend Section one of Article XI of the Constitution, in relation to persons subject to militia and military service," and that the same be referred to the Committee on Militia and Military Affairs. A printed copy to be sent to the Committee on Bill of Rights with authority to report such opinions thereon as it may deem advisable.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. Latson offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Bill of Rights be discharged from the further consideration of Proposed Amendment (No. 452, Int. No. 440) entitled "Proposed constitutional amendment to amend Article I of the Constitution, by adding a section thereto insuring liberty of conscience in regard to military service," and that the same be referred to the Committee on Militia and Military Affairs. A printed copy to be sent to the Committee on Bill of Rights with authority to report such opinions thereon as it may deem advisable.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. Wickersham offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Clerks of the Appellate Divisions of the Supreme Court in the Second, Third and Fourth Departments, respectively, be and they are hereby requested to furnish this Convention with the following information:

First. The number of appeals from judgments or final orders disposed of in their respective courts during each of the five years

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last past, specifying the number of affirmances and modifications of judgments or final orders in special proceedings and the number of reversals.

Second. Specifying the number of such cases involving questions of constitutional law, the number involving the interpretation of general statutes of the United States and of this State, the number of cases involving questions of criminal law, the number of cases involving interpretation of municipal charters, the number of cases involving the interpretation of wills, the number of cases arising out of contract, and the number of cases arising out of actions on tort; also the total number of returns filed in said courts respectively during each of said years, and the total number of cases disposed of; also the total number of cases in which notices of appeal to the Court of Appeals from the judgment or final order of said court shall have been filed.

which was referred to the Committee on Library and Information.

Mr. Wickersham offered for the consideration of the Convention a resolution, in the words following:

Resolved, That this Convention desires to express its appreciation of the kind invitation of the city of Saratoga Springs to attend the ceremonies incident to the unveiling of the Trask Memorial on the morning of Saturday, June 26th, and that the members of the Convention who may find it possible to personally accept the invitation so courteously extended are requested to furnish their names to the Secretary of this Convention on or before 25th inst., and the Secretary is instructed to transmit a copy of this resolution, together with the names of those of the delegates so furnished.

which was agreed to.

Mr. Stimson offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on the State Finances, Revenues and Expenditures be discharged from the further consideration of Proposed Amendment (No. 467, Int. No. 455) entitled "Proposed constitutional amendment to amend Article VIII of the Constitution, in relation to regulation of the issuance of municipal securities," and that the same be referred to the Committee on Cities. A printed copy to be sent to the Committee On the State Finances, Revenues and Expenditures with authority to report such opinions thereon as it may deem advisable.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

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Mr. Stimson offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on the State Finances, Revenues and Expenditures be discharged from the further consideration of Proposed Amendment (No. 482, Int. No. 470) entitled "Proposed constitutional amendment to amend Article VIII of the Constitution, in relation to funded debts of the State, municipal corporations and school districts," and that the same be referred to the Committee on Cities. A printed copy to be sent to the Committee on the State Finances, Revenues and Expenditures with authority to report such opinions thereon as it may deem advisable.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. M. Saxe offered for the consideration of the Convention a resolution, in the words following:

Whereas, Numerous requests from delegates have come to the Committee on the Holding of Exercises to Commemorate the 700th Anniversary of Magna Charta, for the printing and distribution of copies of the addresses delivered before the Constitutional Convention on Tuesday evening, June 15th; and,

Whereas, The addresses delivered on that occasion were so instructive and inspiring,

Resolved, That the proceedings and speeches, together with a copy of the "Magna Charta" engraving presented by Hon. Morgan J. O'Brien to the State Department of Education, and which was on view in the Assembly Chamber during the said exercises, be printed as a document and be made a part of the records of this Convention, and that 100,000 extra copies of that document be printed for the delegates and public distribution; further

Resolved, That the same be published under the supervision of the Committee on the Holding of Exercises to Commemorate the 700th Anniversary of Magna Charta.

which was referred to the Committee on Printing.

On motion of Mr. Low, a printed copy of Proposed Amendment (No. 633, Int. No. 617) entitled "Proposed constitutional amendment to amend Section seven of Article I of the Constitution, in relation to taking private property for public use," heretofore referred to the Committee on Bill of Rights, was ordered sent to the Committee on Cities with authority to report such opinions thereon as it may deem advisable.

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By unanimous consent, Mr. M. J. O'Brien introduced a "Proposed constitutional amendment to amend Article III, Section four, of the Constitution, in relation to enumeration and reapportionments" (Int. No. 673), which was read twice, ordered printed and referred to the Committee on The Legislature, its Organization, etc.

By unanimous consent, Mr. M. Saxe (by request) introduced a "Proposed constitutional amendment to amend Article I of the Constitution, by adding thereto a new section, in relation to the continued operation of franchises in cities" (Int. No. 674), which was read twice, ordered printed and referred to the Committee on Cities.

By unanimous consent, Mr. Franchot (by request) introduced a "Proposed constitutional amendment to amend Article V of the Constitution, by adding thereto a new section, creating the office of auditor-general to be filled by the Legislature in joint session" (Int. No. 675), which was read twice, ordered printed and referred to the Committee on Governor and Other State Officers, etc. A printed copy to be sent to the Committee on the State Finances, Revenues and Expenditures with authority to report such opinions thereon as it may deem advisable.

By unanimous consent, Mr. Berri introduced a "Proposed constitutional amendment to amend Section two of Article XII of the Constitution, with relation to general and special city laws and more particularly with reference to mandatory legislation passed by the Legislature and affecting cities" (Int. No. 676), which was read twice, ordered printed and referred to the Committee on Cities. A printed copy to be sent to the Committee on Legislative Powers with authority to report such opinions thereon as it may deem advisable.

By unanimous consent, Mr. Quigg introduced a "Proposed constitutional amendment to amend Section eight of Article I of the Constitution, relative to reparative publicity in libel cases" (Int. No. 677), which was read twice, ordered printed and referred to the Committee on Bill of Rights. A printed copy to be sent to the Committee on Judiciary with authority to report such opinions thereon as it may deem advisable.

By unanimous consent, Mr. Dunmore (by request) introduced a "Proposed constitutional amendment to amend Sections one,

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four and six of Article II, and Section one of Article XII of the Constitution, in relation to the organization of summer resorts and qualifications of voters at their elections" (Int. No. 678), which was read twice, ordered printed and referred to the Committee on Suffrage.

On motion of Mr. Clinton, printed copies of Proposed Amendments (No. 172, Int. No. 172) entitled "Proposed constitutional amendment to amend Article V of the Constitution, by providing for the appointment by the Governor of State officers."

(No. 369, Int. No. 364) entitled "Proposed constitutional amendment to amend Section three of Article V of the Constitution, relative to assistant superintendents and employees in the office of the Superintendent of Public Works."

(No. 661, Int. No. 645) entitled "Proposed constitutional amendment to amend Article V of the Constitution, in relation to a State department of engineering and public works," heretofore referred to the Committee on Governor and Other State Officers, etc., were ordered sent to the Committee on Canals with authority to report such opinions thereon as it may deem advisable.

On motion of Mr. Clinton, printed copies of Proposed Amendments (No. 375, Int. No. 370) entitled "Proposed constitutional amendment to amend Section seven of Article VII of the Constitution, generally, in relation to the forests and waters of the State."

(No. 220, Int. No. 219) entitled "Proposed constitutional amendment to amend Section seven of Article VII of the Constitution, in reference to the use and increase of the Forest Preserve, and the use of the water resources of the State."

(No. 487, Int. No. 475) entitled "Proposed constitutional amendment to amend Article I of the Constitution, in relation to reserving to the people of the State and of localities, respectively, the right, title and use of surplus water and water power impounded or created in the construction of the canals and other public works," heretofore referred to the Committee on Conservation of Natural Resources, were ordered sent to the Committee on Canals with authority to report such opinions thereon as it may deem advisable.

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On motion of Mr. Clinton, a printed copy of Proposed Amendment (No. 342, Int. No. 338) entitled "Proposed constitutional amendment to amend Article III of the Constitution, in relation to appropriations and State taxes," heretofore referred to the Committee On the State Finances, Revenues and Expenditures, was ordered sent to the Committee on Canals with authority to report such opinions thereon as it may deem advisable.

Mr. Cobb offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Cities be discharged from the further consideration of Proposed Amendment (No. 666, Int. No. 650) entitled "Proposed constitutional amendment to amend Article XII of the Constitution, relating to cities and incorporated villages, so as to regulate legislation concerning their organization and management, and to give them powers of municipal self-government."

which was agreed to.

Said proposition having been announced, on motion of Mr. Cobb, the same was amended as follows:

Page 1, line 1, strike out "so as".

Page 2, line 4, strike out the letter "s" at the end of "provisions" and insert before "inconsistent" the words "in conflict or" in italics.

Page 2, strike out from and including "its" in line 4, to and including the period in line 5, and insert in italics in place thereof the following:

"the general laws of the State, or any special city law which the Legislature is authorized to enact by this article."

Page 2, line 9, strike out "that".

Page 2, line 10, insert an italicized comma after "case".

Page 2, line 13, strike out the period and bracket and italicize the semi-colon and insert in italics before "may" the words "by general laws".

Page 2, line 16, before "town" insert "city".

Page 2, line 19, strike out the bracket.

Page 2, strike out lines 20 to 23, inclusive.

Page 2, line 24, strike out "state", and strike out "pass" and insert in italics in place thereof the word "enact".

Page 2, line 26, before "municipal" insert in italics "local", and strike out "grant such" and insert in italics in place thereof the following: "enact a special city law or laws relating to a single city in the exercise of its State or governmental functions,

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but no special city law shall be enacted where a general city law can be made applicable."

Page 3, strike out lines 1 to 6, inclusive.

Page 3, line 7, insert opening bracket before " all ".

Page 4, between lines 22 and 23 insert in italics the following:

" § 3. Each city and incorporated village shall have all the powers pertaining to its affairs, property, government and other matters necessary or proper for the protection or promotion of its interests not forbidden by or inconsistent with the provisions of the Constitution or laws of the State, but the Legislature, subject to the restrictions of this article, may take away any power granted by this section as it shall deem best.

" § 4. The Legislature, subject to the provisions of this Constitution, may grant such legislative or other powers to cities and incorporated villages in addition to those conferred by this article, or otherwise, as it shall deem best."

Page 4, line 23, inclose with brackets the numeral " 3 " and insert before "All" the numeral " 5 ".

Page 5, after line 16, insert in italics the following:

" § 6. A city for the purposes of this article shall be deemed to include one or more counties lying wholly within such city and the powers granted by this article to cities except as this Constitution otherwise provides shall extend over such county or counties."

Ordered, Reprinted and recommitted to said committee.

Mr. Sears, from the Committee on Contingent Expenses, to which was referred the resolution relative to the printing of a communication from the Lieutenant-Governor and Acting Governor, dated June 8, 1915, relative to pardons and applications for pardons, introduced by Mr. J. S. Phillips, reported in favor of the adoption of the following resolution:

Resolved, That the communication from the Lieutenant-Governor and Acting Governor, dated June 8, 1915, in reply to a question of inquiry heretofore adopted by the Convention, relating to the persons confined in the State prisons, pardons and applications for pardons be printed as a document of the Convention.

Mr. President put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative.

Mr. M. Saxe, from the Committee on Taxation, reported by Proposed Amendment entitled "Proposed constitutional amendment

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to amend the Constitution by inserting a new article in relation to taxation" (Int. No. 679), which was read twice, ordered printed and referred to the Committee on Taxation.

Mr. Barnes offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Legislative Powers be discharged from the further consideration of Proposed Amendment (No. 307, Int. No. 303) entitled "Proposed constitutional amendment to amend Section twenty-four of Article III of the Constitution, in relation to bills imposing a direct state-wide tax," and that the same be referred to the Committee on the State Finances, Revenues and Expenditures.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. Brackett, from the Committee on The Legislature, its Organization, etc., reported by Proposed Amendment entitled "Proposed constitutional amendment to amend Section four of Article III of the Constitution, in relation to apportionment of Senators and Members of Assembly" (Int. No. 680), which was read twice, and said committee requests that said Proposed Amendment when printed be referred to the Committee of the Whole.

Which report was agreed to, and said Proposed Amendment ordered printed and referred to the Committee of the Whole.

Mr. President announced the general orders.

On motion of Mr. Wickersham, the further reading of the General Orders Calendar was dispensed with.

Mr. Wickersham offered for the consideration of the Convention a resolution, in the words following:

Resolved, That when this Convention adjourn on Friday, July 2d, it adjourn to meet on Wednesday, July 7th, at 12 o'clock, noon.

which was agreed to.

Mr. Quigg moved that when the Convention adjourns it adjourn as an expression of sympathy and respect for our colleague, Mr. S. K. Phillips, in the bereavement he has sustained.

Mr. President put the question whether the Convention would agree to said motion, and it was determined in the affirmative.

The President declared the Convention adjourned.

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FRIDAY, JUNE 18, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. C. M. Nickerson, Troy.

On motion of Mr. Wickersham, the journal of Wednesday, June 16th, was approved.

Mr. President presented the resolutions of the common council of the city of Middletown, which were referred to the Committee on Cities.

Mr. Haffen presented the communication of Mr. Edward Polak, register of the county of Bronx, which was referred to the Committee on Taxation.

Mr. Wood presented the resolutions of the town board of the town of Wellsville, which were referred to the Committee on Suffrage.

Mr. Hale offered for the consideration of the Convention a resolution, in the words following:

Resolved, That Rule 50, paragraph 1, be amended as follows: After the word " debate " in line 1, paragraph 1, insert the words " whether reported by a committee or otherwise introduced ".

Said resolution giving rise to debate, ordered that the same be laid upon the table.

Mr. Hale offered for the consideration of the Convention a resolution, in the words following:

Resolved, That Rule 32 be amended by striking out the words " agreed to " and inserting in lieu thereof the word " accepted " in the sentences relating to reports of proposed constitutional amendments, so that those sentences will read as follows: "All proposed constitutional amendments reported shall, if the report be accepted, be committed to the Committee of the Whole and immediately printed."

Said resolution giving rise to debate, ordered that the same be laid upon the table.

On motion of Mr. Tanner, a printed copy of Proposed Amendment (No. 273, Int. No. 270) entitled " Proposed constitutional amendment to amend Article V of the Constitution, in relation to establishing the industrial board and prescribing its powers

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and duties," heretofore referred to the Committee on Industrial Interests and Relations, was ordered sent to the Committee on Governor and Other State Officers, etc., with authority to report such opinions thereon as it may deem advisable.

By unanimous consent, Mr. Donovan introduced "A proposition to amend Article I of the Constitution, in relation to authorizing measures for the prevention or cure of certain diseases" (Int. No. 681), which was read twice, ordered printed and referred to the Committee on Bill of Rights.

By unanimous consent, Mr. Wagner introduced "A proposition to amend Article VI of the Constitution, in relation to the court of special sessions in the city of New York" (Int. No. 682), which was read twice, ordered printed and referred to the Committee on Judiciary.

By unanimous consent, Mr. Low introduced "A proposition to amend Article VII of the Constitution, by adding a new section thereto in relation to the creation of pension systems" (Int. No. 683), which was read twice, ordered printed and referred to the Committee on the State Finances, Revenues and Expenditures. A printed copy to be sent to the Committee on Legislative Powers with authority to report such opinions thereon as it may deem advisable.

By unanimous consent, Mr. Haffen introduced "A proposition to amend Section four of Article III of the Constitution, in relation to the apportionment of Senators and members of Assembly" (Int. No. 684) which was read twice, ordered printed and referred to the Committee on The Legislature, its Organization, etc.

By unanimous consent, Mr. Blauvelt (by request) introduced "A proposition to amend Section seven of Article I of the Constitution, in relation to compensation for property taken or injured for public use" (Int. 685), which was read twice, ordered printed and referred to the Committee on Bill of Rights.

By unanimous consent, Mr. C. H. Young introduced "A proposition to amend Article II of the Constitution, by adding thereto a new section relative to the qualification of voters" (Int. No. 686), which was read twice, ordered printed and referred to the Committee on Suffrage.

By unanimous consent, Mr. Landreth (by request) introduced

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"A proposition to amend Section seven of Article I of the Constitution, in relation to certain public uses for which private property may be taken" (Int. No. 687), which was read twice, ordered printed and referred to the Committee on Bill of Rights. A printed copy to be sent to the Committee on Conservation of Natural Resources with authority to report such opinions thereon as it may deem advisable.

Also (by request), "A proposition to amend Article V of the Constitution, in relation to the Public Service Commission, its powers and duties" (Int. No. 688), which was read twice, ordered printed and referred to the Committee on Public Utilities. A printed copy to be sent to the Committee on Governor and Other State Officers, etc., with authority to report such opinions thereon as it may deem advisable.

By unanimous consent, Mr. Fobes introduced "A proposition to amend Article XII of the Constitution, in relation to legislation affecting cities and incorporated villages and to powers of self-government by cities" (Int. No. 689), which was read twice, ordered printed and referred to the Committee on Cities.

By unanimous consent, Mr. R. B. Smith introduced "A proposition to amend Article VI of the Constitution, by adding a new section thereto, in relation to power of judges of the Court of Appeals and justices of the Supreme Court to make rules and regulations" (Int. No. 690), which was read twice, ordered printed and referred to the Committee on Judiciary.

Mr. Cullinan offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Superintendent of Public Works be requested to furnish this Convention with a statement of the users of the surplus waters of the canals or their feeders, for the development of water power or otherwise, and at what places on the canals said surplus waters are taken or used by said parties.

That the Superintendent of Public Works furnish this Convention with a statement showing what contracts or agreements have been entered into by and between the Superintendent of Public Works and the users of the surplus waters of the canals or their feeders.

which was referred to the Committee on Library and Information.

Mr. R. B. Smith offered for the consideration of the Convention a resolution, in the words following:

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Resolved, That the Committee on Legislative Powers be discharged from the further consideration of Proposed Amendment (No. 362, Int. No. 290) entitled "Proposed constitutional amendment to amend Section ten of Article III of the Constitution, in relation to the powers of each House of the Legislature."

which was agreed to.

Said proposition having been announced, on motion of Mr. R. B. Smith, the same was amended as follows:

Page 1, line 8, strike out "and a clerk".
Page 1, line 9, strike out "and a clerk".

Ordered, Reprinted and recommitted to said committee.

Mr. R. B. Smith offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Legislative Powers be discharged from the further consideration of Proposed Amendment (No. 278, Int. No. 275) entitled "Proposed constitutional amendment to amend Section seventeen of Article III of the Constitution, in relation to references in a bill to existing laws."

which was agreed to.

Said proposition having been announced, on motion of Mr. R. B. Smith, the same was amended as follows:

Page 1, line 5, strike out "it [".
Same page and line, after "act" insert "[".

Ordered, Reprinted and recommitted to said committee.

On motion of Mr. Wood, a printed copy of Proposed Amendment (No. 608, Int. No. 593) entitled "Proposed constitutional amendment to amend Sections eleven and twelve of Article VIII of the Constitution, to create a department of charities and correction as a division of the executive branch of the State government," heretofore referred to the Committee on Governor and Other State Officers, etc., was ordered sent to the Committee on Charities with authority to report such opinions thereon as it may deem advisable.

On motion of Mr. Wood, a printed copy of Proposed Amendment (No. 519, Int. No. 507) entitled "Proposed constitutional amendment to amend Section eleven of Article VIII of the Constitution, so as to provide for changing the name of the State Commission of Prisons to that of the State Board of Correction,

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and defining its duties, "heretofore referred to the Committee on Prisons, etc., and the Prevention and Punishment of Crime, was ordered sent to the Committee on Charities with authority to report such opinions thereon as it may deem advisable.

Mr. Wood offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the official stenographer be and he is hereby directed to excuse the general stenographers from attendance and service on Saturday, Monday and Tuesday, July 3rd, 5th and 6th.

which was referred to the Committee on Rules.

On motion of Mr. Curran, Proposed Amendments No. 613, Int. No. 598, No. 614, Int. No. 599 and No. 615, Int. No. 600, were ordered reprinted with the statement thereon that they were introduced at the request of Mr. Dahm.

Mr. J. S. Phillips, from the Committee on Library and Information, to which was referred the resolution introduced by Mr. Cullinan, May 27, 1915, relative to obtaining certain information from the State Engineer and Surveyor, reported in favor of the adoption of the following resolution:

Resolved, That the State Engineer and Surveyor furnish this Convention with a statement showing the localities where the surplus waters of the canals of the State were used by persons, associations, corporations or others for the development of water power, prior to the construction of the Barge canal improvement, pursuant to the terms of the act in that behalf and the referendum approving the same; and what moneys, if any, were paid or contracted to be paid for the same.

That the State Engineer and Surveyor furnish this Convention with a statement showing the localities where and the amount of water power development arising out of the construction of the Barge canal improvement, together with the names of the persons, associations, corporations or others using the surplus waters of the canal for the development of water power; and what moneys are being paid or contracted to be paid for the same.

Mr. President put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative.

Mr. J. S. Phillips, from the Committee on Library and Information, to which was referred the resolution introduced by Mr. Kirby, June 10, 1915, relative to obtaining certain information

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from the Comptroller, reported in favor of the adoption of the following resolution:

Resolved, That the Comptroller be directed to furnish the Convention with the amounts paid during the last fiscal year to special counsel, to the Attorney-General, the amounts paid to attorneys and counsel to the various departments of the State government and the amounts paid to attorneys in the various counties in the State in the matter of the collection of transfer taxes.

Mr. President put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative.

Mr. J. S. Phillips, from the Committee on Library and Information, to which was referred the resolution introduced by Mr. Wickersham, June 17, 1915, relative to obtaining certain information from the Clerks of the Appellate Division of the Supreme Court of the Second, Third and Fourth Departments, reported in favor of the adoption of the following resolution:

Resolved, That the Clerks of the Appellate Divisions of the Supreme Court in the Second, Third and Fourth Departments, respectively, be and they are hereby requested to furnish this Convention with the following information:

The number of appeals from judgments or final orders disposed of in their respective courts during each of the two years last past, specifying, (1) the number of affirmances and modifications of judgments or final orders in special proceedings and the number of reversals; (2) the number of such cases involving questions of constitutional law; (3) the number involving the interpretation of general statutes of the United States and of this State; (4) the number of cases involving questions of criminal law; (5) the number of cases involving interpretation of municipal charters; (6) the number of cases involving the interpretation of wills; (7) the number of cases arising out of contract; (8) the number of cases arising out of actions in tort; (9) the total number of returns filed in said courts, respectively, during each of said years and the total number of cases disposed of; and (10) the total number of cases involving interlocutory questions of practice.

Mr. President put the question whether the Convention would agree to said report and resolution and it was determined in the affirmative.

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Mr. Wickersham offered for the consideration of the Convention a resolution, in the words following:

Resolved, That with a view to the preservation for future reference and use of the data upon which the Convention and its committees act, the clerks of all the committees of the Convention charged with any part of the work of revision or amendment be and they hereby are directed to preserve all statements of fact, answers to inquiries, printed and written arguments, official communications, petitions, memorials, and communications from institutions, corporations and voluntary associations coming to their hands.

All of such papers as are not returned to the Secretary of the Convention shall, when the respective committees have no further use therefor, be delivered to the Clerk of the Committee on Library and Information.

All of such papers as shall be returned to the Secretary of the Convention shall, when the Convention has no further use therefor, be delivered by the Secretary to the Clerk of the Committee on Library and Information. The Committee on Library and Information is instructed to provide for the permanent deposit of all such papers in the State Library or otherwise so that they may continue available for reference.

which was referred to the Committee on Library and Information.

Mr. Bunce offered for the consideration of the Convention a resolution, in the words following:

Resolved, That Evart M. Howland be appointed messenger in place of Victor Adams, resigned.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. President announced the General Orders.

On motion of Mr. Wickersham, the calling of the General Orders Calendar was dispensed with.

On motion of Mr. Wickersham, the Convention adjourned.

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TUESDAY, JUNE 22, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. Charles H. Hess.

On motion of Mr. Wickersham, the journal of Thursday, June 17th, was approved.

Mr. President presented the memorial of the Agricultural Organization, which was referred to the Committee on Governor and Other State Officers, etc. A copy to be sent to the Committee on Conservation of Natural Resources with authority to report such opinions thereon as it may deem advisable.

Mr. President presented the communication of the Secretary of State, in response to resolution of the Convention, which was referred to the Committee on Library and Information.

Mr. J. G. Saxe offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Suffrage be discharged from the further consideration of Proposed Amendment (No. 188, Int. No. 4), entitled "Proposed constitutional amendment to amend Section four of Article II of the Constitution, in respect to the enactment of election and registration laws."

which was agreed to.

Said proposition having been announced, on motion of Mr. J. G. Saxe, the same was amended as follows:

Page 1, line 7, after the word "State" insert in italics "elective".

Line 11, insert a comma after "ventions", strike out the period following "them", insert lower case italic "v" in place of cap "V" in word "Voters", strike out the comma and insert semicolon after the word "annually" and strike out the word "and".

Page 2, line 1, strike out all italicized words and the italic cap "R" in the word "Registration" and both brackets.

Line 2, strike out the bracket.

Line 5, place bracket after the word "only".

Line 6, place bracket and a period after the word "voters" and insert in italics before the word "not" the word "Voters". After

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the word " villages " insert in italics " shall be registered, upon personal application only, in each year in which a President of the United States is to be elected. In other years, they ".

Line 8, strike out bracket.

Ordered, Reprinted and recommitted to said committee.

On motion of Mr. Wickersham, printed copies of Proposed Amendments (No. 11, Int. No. 11), entitled " Proposed constitutional amendment to amend Section six of Article I of the Constitution, relating to the bill of rights."

(No. 17, Int. No. 17) entitled " Proposed constitutional amendment to amend Section two of Article I of the Constitution, to provide that an agreement of three-fourths of a jury shall constitute a verdict."

(No. 43, Int. No. 43) entitled " Proposed constitutional amendment to amend Article I of the Constitution, providing that in civil cases jurors shall be six in number instead of common-law jury of twelve."

(No. 408, Int. No. 116) entitled " Proposed constitutional amendment to amend Section two of Article I of the Constitution, by permitting five-sixths of a jury to render a verdict and by permitting defendants in criminal prosecutions to waive a jury."

(No. 198, Int. No. 197) entitled " Proposed constitutional amendment to amend Section two of Article I of the Constitution, in relation to the trial of civil actions in the supreme court."

(No. 207, Int. No. 206) entitled " Proposed constitutional amendment to amend Section two of Article I of the Constitution, to provide that an agreement of five-sixths of a jury shall constitute a verdict in civil cases."

(No. 270, Int. No. 267) entitled " Proposed constitutional amendment to amend Section six of Article I, relative to indictments and hearings, and relative to the failure of defendants to testify."

(No. 295, Int. No. 292) entitled " Proposed constitutional amendment to amend Section two of Article I of the Constitution, relating to trial by jury."

(No. 619, Int. No. 604) entitled " Proposed constitutional amendment to amend Section six of Article I of the Constitution, in relation to criminal prosecutions and to admitting a plea of guilty before indictment except upon a charge of murder," hereto-

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fore referred to the Committee on Bill of Rights, were ordered sent to the Committee on Judiciary with authority to report such opinions thereon as it may deem advisable.

Mr. Haffen presented the resolutions of the Bronx Board of Trade, the first of which was referred to the Committee on Cities; the second to the Committee on the State Finances, Revenues and Expenditures; and the third to the Committee on The Legislature, its Organization, etc.

Mr. C. H. Young offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Judiciary be discharged from the further consideration of Proposed Amendment (No. 475, Int. No. 463), entitled "Proposed constitutional amendment to amend Article VI of the Constitution, by adding thereto a new section to be known as section twenty-four, regulating and limiting the office of official referee."

which was agreed to.

Said proposition having been announced, on motion of Mr. C. H. Young, the same was amended as follows:

Page 1, line 6, before the word "may" insert in italics "or who shall have served not less than one full term which term has expired after he has reached sixty-five years of age".

Page 2, line 3, before "may" insert in italics "or who shall have served not less than one full term which term has expired after he has reached sixty-five years of age".

Line 24, after "his" insert in italics "term of", and after "abridged" insert in italics "or expired".

Page 3, line 18, after "justice" insert in italics "of any court".

Line 19, after "have" insert in italics "expired or have".

Ordered, Reprinted and recommitted to said committee.

Mr. Austin offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on the State Finances, Revenues and Expenditures be discharged from the further consideration of Proposed Amendment (No. 521, Int. No. 509), entitled "Proposed constitutional amendment to amend Section four of Article VII of the Constitution, relative to the power of the Legislature to create debts, prescribing the character of the bonds to be issued as evidencing such debts, and providing the manner of payment thereof."

which was agreed to.

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Said proposition having been announced, on motion of Mr. Austin, the same was amended as follows:

Page 2, line 7, after the word " further " insert a bracket.
Page 3, line 10, after the word " debt " insert a bracket.
Page 4, line 13, change the word " amortize " to " amortized ".
Page 4, line 19, strike out the word " equitable ", after the word " installments," insert " which may be equal or ".

Ordered, Reprinted and recommitted to said committee.

On motion of Mr. Hale, his resolutions of June 18th, in relation to amending Rules 50 and 32, were taken from the table and recommitted to the Committee on Rules.

Mr. Curran offered for the consideration of the Convention a resolution, in words following:

Resolved, That the memorial of the New York State Federation of Labor, laid before the Convention by the President on June 15th, be printed as a public document.

which was referred to the Committee on Contingent Expenses.

Mr. Mereness, from the Committee on County, Town and Village Officers, reported by Proposed Amendment, entitled " Proposed constitutional amendment to amend Section one of Article X of the Constitution, by providing for coroners " (Int. No. 691), which was read twice, ordered printed and referred to the Committee on County, Town and Village Officers. A printed copy to be sent to the Committee on Judiciary with authority to report such opinions thereon as it may deem advisable.

Mr. President announced the General Orders.

Mr. Hale offered for the consideration of the Convention a resolution, in words following:

Resolved, That Rule 32 be amended by striking out the second sentence and inserting in place thereof the following: "All the proposed constitutional amendments reported favorably shall be committed to the Committee of the Whole and immediately printed, unless otherwise ordered."

which was referred to the Committee on Rules.

On motion of Mr. Wickersham, the Committee on Rules was instructed to report an appropriate expression of the Convention regarding the Grand Army of the Republic now in session in this city.

Mr. Kirby was excused from the sessions of the week.

On motion of Mr. Wickersham, the Convention adjourned.

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WEDNESDAY, JUNE 23, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. J. Addison Jones.

On motion of Mr. Wickersham, the journal of Friday, June 18th, was approved.

Mr. Reeves offered for the consideration of the Convention a resolution, in the words following:

Resolved, That each of the commissioners of public records in the counties of New York and Kings be requested to furnish to this Convention, with all convenient speed, the following information relative to the organization, work and expenses of his office:

1. The number of employees in his office.
2. The salary paid to each such employee, and the total amount of salaries paid.
3. The total expense of his office per year.
4. The nature and amount of the work thus far done, and how it has progressed from year to year during the continuance of the office.
5. The nature and amount of the work yet to be done, especially with reference to the re-indexing of the records and putting them into permanent form.

which was referred to the Committee on Library and Information.

On motion of Mr. Low, a printed copy of Proposed Amendment (No. 275, Int. No. 272) entitled "Proposed constitutional amendment to amend Section one of Article XII of the Constitution, in relation to funded debt of municipalities," heretofore referred to the Committee on Counties, Towns and Villages, their Organization, Government, etc., was ordered sent to the Committee on Cities with authority to report such opinions thereon as it may deem advisable.

Mr. Foley offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Public Utilities be discharged from the further consideration of Proposed Amendment (No. 98, Int. No. 98) entitled "Proposed constitutional amendment to amend Article V of the Constitution, by adding a new section thereto in relation to public service commissions for the first and second districts."

which was agreed to.

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Said proposition having been announced, on motion of Mr. Foley, the same was amended as follows:

Page 1, line 7, insert in italics the following after the word "removed" "The present commissioners of each district shall continue in office until the completion of their respective terms or unless sooner removed in the manner herein provided."

Ordered, Reprinted and recommitted to said committee.

On motion of Mr. Marshall, printed copies of Proposed Amendments (No. 23, Int. No. 23) entitled "Proposed constitutional amendment to amend Section nineteen of Article I of the Constitution, to provide workmen's compensation for injuries or death from accident or occupational disease."

(No. 197, Int. No. 196) entitled "Proposed constitutional amendment to amend Article I of the Constitution, in relation to legislation affecting employees."

(No. 417, Int. No. 405) entitled "Proposed constitutional amendment to amend Section nineteen of Article I of the Constitution, in relation to legislation affecting employees."

(No. 420, Int. No. 408) entitled "Proposed constitutional amendment to amend Section nineteen of Article I of the Constitution, in relation to social insurance, including workmen's compensation."

(No. 569, Int. No. 554) entitled "Proposed constitutional amendment to amend Article I of the Constitution, in relation to social and industrial justice," heretofore referred to the Committee on Industrial Interests and Relations, were ordered sent to the Committee on Bill of Rights with authority to report such opinions thereon as it may deem advisable.

On motion of Mr. Marshall, printed copies of Proposed Amendments (No. 59, Int. No. 59) entitled "Proposed constitutional amendment to amend Section six, Article I of the Constitution, in relation to imprisonment in civil actions except in certain cases."

(No. 95, Int. No. 95) entitled "Proposed constitutional amendment to amend Section one of Article I of the Constitution, by providing that suits may be brought against the State as against an individual."

(No. 117, Int. No. 117) entitled "Proposed constitutional amendment to amend Section six of Article I of the Constitution,

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in relation to arrest or imprisonment in civil actions or proceedings," heretofore referred to the Committee on the Judiciary, were ordered sent to the Committee on Bill of Rights with authority to report such opinions thereon as it may deem advisable.

On motion of Mr. Marshall, printed copies of Proposed Amendments (No. 282, Int. No. 279), entitled "Proposed constitutional amendment to amend Section fifteen of Article I of the Constitution of the State of New York, in relation to courts for Indians."

(No. 451, Int. No. 439) entitled "Proposed constitutional amendment to amend Section fifteen of Article I of the Constitution of the State of New York, in relation to the government of Indians," heretofore referred to the Committee on Relations to the Indians, were ordered sent to the Committee on Bill of Rights with authority to report such opinions thereon as it may deem advisable.

On motion of Mr. Marshall, printed copies of Proposed Amendments (No. 487, Int. No. 475) entitled "Proposed constitutional amendment to amend Article I of the Constitution, in relation to reserving to the people of the State and of localities, respectively, the right, title and use of surplus water and water power impounded or created in the construction of the canals and other public works."

(No. 561, Int. No. 546) entitled "Proposed constitutional amendment to amend Article I of the Constitution, in relation to grants of land under water."

(No. 564, Int. No. 549) entitled "Proposed constitutional amendment to amend Article III of the Constitution, in relation to the granting of lands under water," heretofore referred to the Committee on Conservation of Natural Resources, were ordered sent to the Committee on Bill of Rights with authority to report such opinions thereon as it may deem advisable.

On motion of Mr. Marshall, a printed copy of Proposed Amendment (No. 590, Int. No. 575) entitled "Proposed constitutional amendment to amend Section ten of Article I of the Constitution, in respect to the ownership by the State of all waters within its jurisdiction," heretofore referred to the Committee on Canals, was ordered sent to the Committee on Bill of Rights with authority to report such opinions thereon as it may deem advisable.

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Mr. Stimson offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on the State Finances, Revenues and Expenditures be discharged from the further consideration of Proposed Amendment (No. 703, Int. No. 683) entitled "Proposed constitutional amendment to amend Article VII of the Constitution, in relation to the creation of pension systems," and that the same be referred to the Committee on Civil Service.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. M. Saxe offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Taxation be discharged from the further consideration of Proposed Amendment (No. 267, Int. No. 264) entitled "Proposed constitutional amendment to amend Section two of Article VII, relative to a direct tax for the maintenance and conduct of the State government," and that the same be referred to the Committee on the State Finances, Revenues and Expenditures. A printed copy to be sent to the Committee on Taxation with authority to report such opinions thereon as it may deem advisable.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. Rosch offered for the consideration of the Convention a resolution, in the words following:

Resolved, That Lee V. Gardner, now employed as messenger, be transferred to the position of assistant mailing clerk, at a salary of $5.00 per day.

which was referred to the Committee on Contingent Expenses.

Mr. Stimson, from the Committee on the State Finances, Revenues and Expenditures, reported by Proposed Amendment entitled "Proposed constitutional amendment to amend Sections two, four and five of Article VII of the Constitution, in relation to debts contracted by the State" (Int. No. 692), which was read twice, ordered printed and referred to the Committee on the State Finances, Revenues and Expenditures.

Mr. J. L. O'Brian, from the Committee on Rules, presented the following report:

The Committee on Rules, acting under the direction of the Convention upon the resolution offered by Mr. Fancher on the twenty-

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second of June, recommend the adoption of the following resolution:

Resolved, That with a deep sense of the debt of gratitude which the people of the State of New York in common with all Americans owe to the men who preserved the Union in the great Civil War of 1861 to 1865, the members of the Constitutional Convention of the State of New York join with the citizens of Albany in a heartfelt welcome to the members of the Grand Army of the Republic upon their annual encampment in the capital city of the State.

Resolved, That a committee of seven members of the Convention be appointed by the Chair to represent the Convention upon the review of the Grand Army, and that the officers of the Convention be ex-officio members of the committee.

Mr. President put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative.

Mr. President appointed as such committee, Messrs, Fancher, Stowell, Weed, Wadsworth, Sheehan, Wickersham and Stimson.

Mr. J. L. O'Brian, from the Committee on Rules, presented the following report:

The Committee on Rules recommends the adoption of the following amendment to Rule 56 in relation to suspension of the rules, as follows:

In the sentence "A motion to suspend the rules shall in all cases state specifically the object of the suspension and every case of suspension of a rule under such notice or motion shall be held to apply only to the object specified therein." After the word "cases" insert the words "be made upon one day's notice which shall" so that the sentence will read as follows:

"A motion to suspend the rules shall in all cases be made upon one day's notice which shall state specifically the object of the suspension and every case of suspension of a rule under such notice and motion shall be held to apply only to the object specified therein."

Mr. President put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative.

Mr. J. L. O'Brian, from the Committee on Rules, presented the following report:

The Committee on Rules, to which was referred the resolution

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offered by Mr. Hale at the request of Mr. Brackett, on the twenty-second of June, have duly considered the same and recommend the adoption thereof as follows:

In Rule 32 strike out the words "all proposed constitutional amendments reported shall, if the report be agreed to, be committed to the Committee of the Whole and immediately printed," and insert in lieu thereof the words "All proposed constitutional amendments reported favorably shall be committed to the Committee of the Whole and immediately printed unless a different order be made not inconsistent with Rule 34."

Said resolution giving rise to debate, ordered that the same be laid upon the table.

Mr. President presented the answer of the State Comptroller to resolution of the Convention in relation to the sinking funds of the State, which was referred to the Committee on the State Finances, Revenues and Expenditures.

The President announced the General Orders.

Mr. Bell offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Governor and Other State Officers, etc., be discharged from the further consideration of Proposed Amendment (No. 643, Int. No. 627) entitled "Proposed constitutional amendment to repeal Section five of Article IV of the Constitution, relating to the pardoning power of the Governor, and to amend Sections eleven and twelve of Article VIII of the Constitution so as to provide for the creation of a State board of pardons and the transfer to it of the pardoning power now vested in the Governor," and that the same be referred to the Committee on Prisons, etc., and the Prevention and Punishment of Crime.

Said resolution giving rise to debate, ordered that the same be laid upon the table.

On motion of Mr. Wickersham, the Convention adjourned.

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THURSDAY, JUNE 24, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. Charles M. Nickerson.

On motion of Mr. Wickersham, the journal of Tuesday, June 22nd, was approved.

Mr. President presented the communication of the Inter-City Civic League, which was referred to the Committee on Bill of Rights.

On motion of Mr. Latson, Miss Lillian Temple, stenographer to the Committee on Militia and Military Affairs, was excused from duty for the week on account of illness.

Mr. Bayes offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Secretary of State be and he hereby is directed to transmit to this Convention as soon as may conveniently be done, the number of indictments for murder in the first and second degrees found by grand juries of the various counties of this State for the past five years, up to January 1, 1915, and the number of convictions of each degree had upon such indictments, including pleas of murder in the second degree.

which was referred to the Committee on Library and Information.

Mr. Low offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Cities be discharged from the further consideration of the resolutions of the common council of the city of Middletown, and that the same be referred to the Committee on Suffrage.

which was agreed to.

Mr. Olcott offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Public Utilities be discharged from the further consideration of Proposed Amendment (No. 252, Int. No. 249) entitled "Proposed constitutional amendment to amend the Constitution, by adding a new article creating public utilities commissions, and prescribing their jurisdiction, powers and duties."

which was agreed to.

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Said proposition having been announced, on motion of Mr. Olcott, the same was amended by striking out all after the enacting clause and substituting print No. 718.

Ordered, Reprinted and recommitted to said committee.

Mr. C. H. Young offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Suffrage be discharged from the further consideration of Proposed Amendment (No. 706, Int. No. 686) entitled "Proposed constitutional amendment to amend Article II of the Constitution, relative to the qualification of voters."

which was agreed to.

Said proposition having been announced, on motion of Mr. C. H. Young, the same was amended as follows:

Page 1, line 4, strike out "six-".

Page 1, line 5, strike out "teen" and insert in italics "eighteen".

Page 1, line 6, strike out "can" and insert in italics in place thereof "is able, except for physical disability, to".

Ordered, Reprinted and recommitted to said committee.

Mr. S. K. Phillips, from the Committee on Contingent Expenses, reported in favor of the passage of the following resolution:

Resolved, That Mary E. Cumming be transferred as committee stenographer from the Committee on Taxation to the Committee on Contingent Expenses, and that Helen N. Myers be transferred from the list of general stenographers to the Committee on Taxation, at a salary of five dollars per day; and that Helen F. Dittrich be transferred from the list of general stenographers and assigned as stenographer to Vice-President O'Brien.

Mr. President put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative.

Mr. President announced the General Orders, none of which were moved.

Mr. Brackett called up the report of the Committee on the Legislature, its Organization, etc., upon the resolution in relation to the composition of the Legislature introduced by Mr. Quigg, consideration of which was set down for this day.

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Mr. President stated the question to be upon the motion of Mr. Akin to substitute therefor the report of the minority of said committee.

Mr. Wickersham moved that further consideration of said report be indefinitely postponed.

Debate was had thereon, when Mr. Wickersham moved the previous question.

Mr. President put the question "Shall the main question be now put?" and it was determined in the affirmative.

Mr. President then put the question whether the Convention would agree to said motion of Mr. Wickersham, and it was determined in the affirmative.

Mr. Brackett called up the report of the Committee on the Legislature, its Organization, etc., upon Proposed Amendment (No. 279, Int. No. 276) entitled "Proposed constitutional amendment to amend Article III of the Constitution, in relation to the composition of the Senate and the terms of its members, and Section one of Article XIV, in relation to constitutional amendments," consideration of which had been postponed.

Said report having been announced, Mr. Wickersham moved that consideration of said report be referred to the Committee of the Whole.

Mr. President put the question whether the Convention would agree to said motion, and it was determined in the affirmative.

Mr. Wickersham moved that the Convention do now go into the Committee of the Whole for the consideration of General Order No. 5 (Print No. 697, Int. No. 680) entitled "Proposed constitutional amendment to amend Section four of Article III of the Constitution, in relation to apportionment of Senators and members of Assembly."

Mr. Brackett moved that the Committee of the Whole be discharged from consideration of General Order No. 5 (Print No. 697, Int. No. 680) entitled "Proposed constitutional amendment to amend Section four of Article III of the Constitution, in relation to apportionment of Senators and members of Assembly," and that the same be recommitted to the Committee on the Legislature, its Organization, etc.

Mr. Wickersham moved to amend said motion by adding thereto "with instructions to report said proposed amendment amended

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in such manner as not to involve the question of reapportionment," and asked that consideration of said motion and amendment be set down for Wednesday next.

Mr. Wagner raised the point of order that the motion to discharge the committee was not in order at this time.

Mr. President held the point of order well taken.

Mr. Wickersham called for his motion to go into the Committee of the Whole.

Mr. Brackett raised the point of order that said motion was not in order at this time.

Mr. President held the point of order well taken.

On motion of Mr. Wickersham, the Convention adjourned.

FRIDAY, JUNE 25, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. J. Addison Jones.

On motion of Mr. Wickersham, the journal of Wednesday, June 23d, was approved.

Mr. Haffen presented the communication of William T. Rehm and others, which was referred to the Committee on Suffrage.

Mr. President presented the resolutions of Fort Orange Court Guardians of Liberty, the first of which was referred to the Committee on Charities, the second to the Committee on Taxation and the third to the Committee on State Finances, Revenues and Expenditures.

Also, the memorial of the Citizens Union of the City of New York, which was referred to the Committee on Cities.

Also, the memorial of the State Commission on Law Delay, which was referred to the Committee on Judiciary.

Also, the communication of the New York Society for the Prevention of Cruelty to Children, which was referred to the Committee on Charities.

Also, the communication of Charles M. Dennison, which was referred to the Committee on Corporations.

Also, the communication of H. F. Foster, which was referred to the Committee on Suffrage.

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Also, the communication of Louis J. Altkrug, which was referred to the Committee on Judiciary.

Also, the communication of the committee for a State Police, which was referred to the Committee on Governor and Other State Officers, etc.

By unanimous consent, Mr. Haffen introduced the following: "Proposition to amend Sections two, three and four of Article III of the Constitution, in relation to number and terms of Senators and Assemblymen; Senate districts; enumerations and reapportionments" (Int. No. 693), which was read twice, ordered printed and referred to the Committee on The Legislature, its Organization, etc.

Mr. Franchot offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Cities be discharged from the further consideration of Proposed Amendment (No. 68, Int. No. 68) entitled "Proposed constitutional amendment to amend Article XII of the Constitution, guaranteeing to cities and incorporated villages the right of municipal self-government and restricting the power of the Legislature to the enactment of general laws in reference thereto."

which was agreed to.

Said proposition having been announced, on motion of Mr. Franchot, the same was amended as follows:

In the title, before "guaranteeing" insert "in relation to", and strike out from the title the words "and incorporated villages", and strike out "restricting the power of the Legislature to the enactment of general laws in reference thereto" and insert in place thereof "to transfer to Article III the provisions relating to legislation for the protection of employees."

Page 1, preceding line 1, insert the following:

Article I of the Constitution is hereby amended by inserting therein a new section, to be appropriately numbered, to read as follows:

"§ —. The Legislature may regulate and fix the wages or salaries and the hours of work or labor of persons employed by the State or by any county, other than a county wholly contained within a city, or employed by any town, village or other civil division of the State except a city, or by any contractor or subcontractor performing work, labor or services for the State or for any county, city, town, village or other civil division thereof;

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and may make provision for the protection, welfare and safety of all such persons and of persons employed by a city or by a county wholly contained within a city."

Page 1, line 3, strike out everything preceding the section mark.

Page 1, line 5, enclose with brackets the word "their" and insert in italics before "power" ", as to villages, the".

Page 1, line 7, insert in italics after "credit," "and as to cities the power of taxation and assessment," and insert in italics after the word "in", where first occurring, the words "the exercise of such powers", and insert an opening bracket before "assessments".

Page 1, line 8, strike out the brackets and the italicized matter.

Page 1, strike out lines 9 and 10.

Page 2, strike out lines 1 to 22, inclusive, and the italicized matter in line 23.

Page 3, line 4, insert a closing bracket "]" after "thereof" and insert in italics after the period "The board of aldermen or other similar legislative body of each city, subject to the approval of the mayor and also of the board of estimate and apportionment or similar body, if any, or city authorities with similar powers to be constituted to succeed such board of estimate and apportionment or similar body, shall have the power to alter and amend the existing or any future city charter, including one adopted hereunder by city electors, and shall have all other powers, subject only to the express limitations of this Constitution, of regulating and governing the affairs of the city and of a county or counties, if any, wholly within its boundaries, together with power to submit a new city charter to the electors of the city for adoption by the affirmative vote of a majority of the electors voting thereon."

Page 3, strike out lines 5 and 6.

Page 4, strike out line 24 and so much of line 25 as precedes the section mark.

Ordered, Reprinted and recommitted to said committee.

Mr. Wickersham offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on The Legislature, its Organization, etc., be discharged from the further consideration of Proposed Amendment (No. 690, Int. No. 673) entitled "Proposed constitutional amendment to amend Section four of Article III of the Constitution, in relation to enumerations and reapportionments."

which was agreed to.

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Said proposition having been announced, on motion of Mr. Wickersham, the same was amended as follows:

Page 1, line 6, insert brackets " [ ] " before and after the word "five" and insert thereafter in italics the word "twenty-five".
Page 2, line 2, insert bracket " [" before the word "and".
Page 2, line 4, insert bracket "] " after the word "county".

Ordered, Reprinted and recommitted to said committee.

Mr. R. B. Smith offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Cities be discharged from the further consideration of Proposed Amendment (No. 257, Int. No. 254) entitled "Proposed constitutional amendment to amend Section one of Article XII of the Constitution, in relation to the delegation by the Legislature to cities and villages of power of local legislation."

which was agreed to.

Said proposition having been announced, on motion of Mr. R. B. Smith, the same was amended as follows:

Page 1, line 7, after "state" insert in italics "applicable to all cities or all cities of a class".

Ordered, Reprinted and recommitted to said committee.

Mr. R. B. Smith offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Judiciary be discharged from the further consideration of Proposed Amendment (No. 710, Int. No. 690) entitled "Proposed constitutional amendment to amend Article VI of the Constitution, in relation to power of judges of the Court of Appeals and justices of the Supreme Court to make rules and regulations."

which was agreed to.

Said proposition having been announced, on motion of Mr. R. B. Smith, the same was amended as follows:

Amend the title by striking out the word "and" after "Appeals", also after "Supreme Court" insert "and surrogates".
Line 5, after "Supreme Court" insert "or surrogates".

Ordered, Reprinted and recommitted to said committee.

On motion of Mr. Tanner, the resolution introduced by Mr. Bell June 23d, in relation to a change of reference of Proposed Amendment (No. 643, Int. No. 627) was taken from the table.

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Mr. President put the question whether the Convention would agree to said motion, and it was determined in the affirmative.

Mr. President announced the General Orders, none of which were moved.

Mr. Lindsay was excused from the sessions of next week.

On motion of Mr. Wickersham, the Convention adjourned.

TUESDAY, JUNE 29, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. Charles J. Dutton, Rensselaer.

On motion of Mr. Wickersham, the journal of Thursday, June 24th, was approved.

Mr. Leggett presented the memorials of the Citizens' Hose Company No. 2 and the J. B. Bradley Hose Company No. 1 of the village of Bolivar, which were referred to the Committee on Civil Service.

Mr. President presented the memorial of the New York County Committee National Progressive Party, which was referred to the Committee on Bill of Rights.

Also, the communication of the Long Island Baptist Association, which was referred to the Committee on Education. A copy to be sent to the Committee on the State Finances, Revenues and Expenditures with authority to report such opinions thereon as it may deem advisable.

Also, the communication of William Hemstreet, which was referred to the Committee on Suffrage.

Also, the resolutions of the New York Board of Trade and Transportation, which was referred to the Committee on Conservation of Natural Resources.

Mr. C. A. Webber offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the board of estimate of the city of New York, or such other officer or officers of said city as can do so, be requested to furnish this Constitutional Convention the following information in reference to taking possession of private property

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for city use before legally condemned and compensation made under section 1439 of the charter of said city:

1. The number of resolutions passed by the board of estimate pursuant to the authorization of said section.

2. The number of parcels of land taken possession of under each of said resolutions respectively.

3. The approximate month and year in which the parcels under each resolution were taken, and the approximate month and year in which the compensation therefor was paid.

which was referred to the Committee on Library and Information.

Mr. E. N. Smith offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Cities be discharged from the further consideration of Proposed Amendment (No. 523, Int. No. 511) entitled "Proposed constitutional amendment to amend Section one of Article XII, by providing for home rule in cities as to local affairs."

which was agreed to.

Said proposition having been announced, on motion of Mr. E. N. Smith, the same was amended as follows:

Page 2, line 6, after the word "applicable" insert in italics "to the whole State or", and strike out the words "of the State" and insert in italics in their place the word "thereof".

Line 10, after the word "local" insert in italics the word "city". After line 17 insert in italics:

"The legislature shall, by joint ballot, name a board to be known as The Legislative Board for Cities, to consist of as many members as there may be judicial districts in the State, but not more than one member of such board shall be a resident of any one judicial district; each member shall hold office for such term and receive such compensation as shall be fixed by law and may be removed from office by the joint ballot of the legislature.

"Every local city law enacted by any city shall be certified to such board and shall not go into effect until sixty days after such certification unless prior to the lapse of such time the board, by a vote of at least a majority of all the members thereof, taken by ayes and nays duly entered upon its minutes approve the same, nor if, within such time by a like vote so entered, said board shall disapprove the same. If the board shall not within such time have approved or disapproved said law it shall after the expiration of such sixty days go into effect as of course. But no local city law shall go into effect until after it shall have been

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published at least once in a daily paper in the city to which the law is applicable."

Ordered, Reprinted and recommitted to said committee.

Mr. Wood offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the thanks of this Convention be given to the citizens of the city of Saratoga Springs for their hearty invitation, so earnestly extended by Mr. Brackett, to the delegates to attend the unveiling of the Spencer Trask Memorial, "The Spirit of Life," in the Casino Park at Saratoga Springs on Saturday last, and to Mr. Brackett, personally, and for the gracious reception given the delegates attending those most impressive and instructive ceremonies, and for conferring upon them the distinguished privilege of being among the honored guests on that interesting occasion.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. President announced the General Orders.

The Convention resolved itself into a Committee of the Whole, and proceeded to the consideration of General Orders, being the Proposed Amendment as follows:

(No. 34, Int. No. 34) entitled "Proposed constitutional amendment to amend Article I of the Constitution, by striking therefrom the provisions of Section thirteen of said article relating to leases and grants of agricultural land."

After some time spent therein, the President resumed the chair, and Mr. Brackett, from said committee, reported progress and asked leave to sit again.

Mr. President put the question on granting leave to sit again, and it was determined in the affirmative.

Mr. President presented the communication of the Attorney-General in response to the resolutions of the Convention asking information concerning matters pending before the Court of Claims, which was referred to the Committee on Judiciary.

By unanimous consent, Mr. Brackett, from the Committee on The Legislature, its Organization, etc., to which was referred Proposed Amendment introduced by Mr. M. J. O'Brien (No. 722, Int. No. 673), entitled "Proposed constitutional amendment to amend Section four of Article III of the Constitution, in relation

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to enumeration and reapportionments," reported adversely thereto.

Mr. Wagner moved to disagree with said report, and asked that said motion lie upon the table.

Mr. President put the question on said request to lay upon the table, and it was determined in the affirmative.

By unanimous consent, Mr. Franchot offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Industrial Interests and Relations be discharged from the further consideration of Proposed Amendment (No. 131, Int. No. 131) entitled "Proposed constitutional amendment to amend Article V of the Constitution, by striking therefrom the provisions of Section eight of said article prohibiting the creation of offices for weighing, gauging, measuring, culling or inspecting any merchandise, produce, manufacture or commodity whatever."

which was agreed to.

Said proposition having been announced, on motion of Mr. Franchot, the same was amended as follows:

Page 1, line 2, strike out the period and insert ", reading as follows: [§ 8. All offices for the weighing, gauging, measuring, culling or inspecting any merchandise, produce, manufacture or commodity whatever, are hereby abolished; and no such office shall hereafter be created by law; but nothing in this section contained shall abrogate any office created for the purpose of protecting the public health or the interests of the State in its property, revenue, tolls or purchases, or of supplying the people with correct standards of weights and measures, or shall prevent the creation of any office for such purposes hereafter.]"

Ordered, Reprinted and recommitted to said committee.

On motion of Mr. Wickersham, the Convention adjourned.

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WEDNESDAY, JUNE 30, 1915

The Convention met pursuant to adjournment. The President in the chair.

Prayer by Rev. J. Addison Jones.

On motion of Mr. Wickersham, the journal of Friday, June 25th, was approved.

Mr. D. Nicoll offered for the consideration of the Convention a resolution, in the words following:

Mr. President: We, the delegates of the Constitutional Convention of the State of New York, learn with deep regret of the death of that distinguished citizen, John Clinton Gray, who devoted a quarter century of his life in the service of the people of this State as a judge of its highest court. With a preparation for his life work at the bar, which was extremely thorough, he rose to the foremost rank in his profession. After appearing in some of the greatest contests at the bar, he went upon the bench where his name stands out prominently in the judicial history of the State. Devoted to his work on the bench, his opinions show the most careful consideration and thorough comprehension of the questions which he was called upon to decide. In them the rights of the individual, as well as those of property, were fairly maintained.

To record his virtues is but to enumerate the attributes of the ideal citizen. Pre-eminently did his modesty stand forth. When asked for particulars of his own career, he replied: "My life has been so uneventful as to leave nothing particular to say." And,

Whereas, It is fitting that this Convention, representing the people of this great State, pay its respect to one with such distinguished career; be it

Resolved, That this Convention make this resolution a part of the record of its proceedings, and that a copy thereof be sent to the immediate family; and be it further

Resolved, That when this Convention adjourns to-day, it do so out of respect to the memory of our distinguished citizen, John Clinton Gray.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. Quigg offered for the consideration of the Convention a resolution, in the words following:

Resolved, That in addition to the meetings of this Convention ordered by the resolution adopted on April 28, 1915, in words as follows:

"Resolved, That until further ordered the Convention meet at 12 M. on Tuesdays, and at 10 A. M. on Wednesdays, Thursdays

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and Fridays, and that, notwithstanding the sessions of the Convention, all committees have leave to sit at and after 11 A. M. on each day." The Convention meet at 8:30 P. M. on Wednesdays and Thursdays.

which was referred to the Committee on Rules.

Mr. Deyo presented a number of communications from residents of the Thirty-ninth district in relation to the use of public funds for school purposes, which were referred to the Committee on Education.

Mr. Wagner moved to take from the table his motion to disagree with the report of the Committee on The Legislature, its Organization, etc., on Proposed Amendment (No. 722, Int. No. 673) entitled: "Proposed Constitutional Amendment to amend Section four of Article III of the Constitution, in relation to enumerations and reapportionments," which was agreed to.

Said report having been announced, debate was had thereon.

On motion of Mr. Wickersham, further consideration of said report was postponed until Thursday, July 1st.

Mr. Berri, from the Committee on Printing, to which was referred the resolution relative to printing the proceedings of the Magna Charta anniversary, reported in favor of the adoption of the following resolution:

Resolved, That the Secretary be directed to order printed as a document 5,000 copies of the proceedings of the Convention on the evening of June 15, 1915, in celebration of the Seven Hundredth Anniversary of the signing of the Magna Charta, 2,000 copies of which are to be bound in cloth and balance in paper covers for distribution as the President of the Convention may direct.

Mr. President put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative.

Mr. President presented the correspondence between the President of the Convention and the Secretary of State in reference to the time of the submission of the completed work of the Convention, which was referred to the Committee on Rules.

On motion of Mr. Wickersham, the Convention adjourned.

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THURSDAY, JULY 1, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. P. A. Macdonald, Saratoga Springs.

On motion of Mr. Wickersham, the journal of Tuesday, June 29th, was approved.

The President presented the communication of the State Engineer and Surveyor, in response to resolution of the Convention adopted June 18th, which was referred to the Committee on Canals.

Mr. Barrett offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Counties, Towns and Villages, their Organization, Government, etc., be discharged from the further consideration of Proposed Amendment (No. 474, Int. No. 462) entitled "Proposed constitutional amendment to amend Article three of the Constitution in relation to laws relating to county autonomy."

which was agreed to.

Said proposition having been announced, on motion of Mr. Barrett, the same was amended as follows:

Page 1, line 9, strike out everything after the period, and strike out all of line 10 and down to and including the period in line 11 and insert in italics in place of the matter thus stricken out the following: "Each plan shall continue or establish a county governing body and designate or provide for the distribution among county authorities of powers conferred on the county by such plan or by law. Each plan shall also prescribe and define county functions. Nothing in this Constitution shall hereafter prevent the legislature from transferring to county authorities powers and duties relating to local functions, as now or heretofore established, of cities, towns and villages, or offices thereof, within the county."

Page 2, line 2, strike out "a vote of the electors" and insert in italics "the board of supervisors or other governing body."

Page 2, line 4, strike out "the" at the end of the line.

Page 2, line 5, strike out "electors of such county" and insert in italics "such board or governing body."

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Page 2, line 6, insert at the end of the line in italics "This section shall not apply to a county wholly included within the boundaries of a city."

Page 2, strike out lines 7, 8 and 9 and insert the following after line 6:

Sections twenty-six and twenty-seven of article three of the constitution are hereby amended to read as follows:

§ 26. There shall be in each county, except in a county wholly included in a city, a board of supervisors or similar body, to be composed of such members and elected in such manner and for such period as is or may be provided by law. In a city which includes an entire county, or two or more entire counties, the powers and duties of a board of supervisors, or similar body, may be devolved upon the municipal assembly, common council, board of aldermen or other legislative body of the city.

§ 27. The Legislature shall, by general laws, confer upon the boards of supervisors, or similar bodies, of the several counties of the state such [further] powers of local legislation, and upon said boards or bodies or other county authorities such powers of local government and administration, as the Legislature may, from time to time, deem expedient, and in counties which now have, or may hereafter have, county auditors or other fiscal officers, authorized to audit bills, accounts, charges, claims or demands against the county, the Legislature may confer such powers upon said auditors, or fiscal officers, as the Legislature may, from time to time deem expedient.

Mr. Deyo offered for the consideration of the Convention a resolution, in the words following:

Resolved, That Mr. Dingman and Mr. Patterson, the Superintendent and Assistant Superintendent of the Convention Document Room, be retained in their present positions for a period of thirty days or as long as their services are needed after the adjournment of this Convention.

which was referred to the Committee on Contingent Expenses.

The President announced the order of Reports of Standing Committees and stated the question to be upon the motion to disagree with the report of the Committee on The Legislature, its Organization, etc., on Proposed Amendment (No. 722, Int. No. 673), entitled "An act to amend section four of article three of the Constitution, in relation to enumerations and reapportionments."

Debate was had thereon.

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At two o'clock and forty minutes P. M. the Convention took a recess until three P. M.

THREE O'CLOCK, P. M.

At three o'clock P. M. the Convention again convened.

Debate was continued.

Mr. Wickersham moved the previous question.

Mr. President put the question "Shall the main question be now put?" and it was determined in the affirmative.

The President then put the question whether the Convention would agree to said motion of Mr. Wagner and it was determined in the negative.

THOSE WHO VOTED IN THE AFFIRMATIVE

Ahearn	Donovan	Mann	Ryan	Unger
Baldwin	Dooling	Martin F	Saxe J G	Wagner
Bernstein	Eppig	Mulry	Sheehan	Ward
Blauvelt	Foley	Newburger	Shipman	Webber C A
Burkan	Frank	Nicoll D	Slevin	Weber R E
Byrne	Haffen	Potter	Smith A E	Weed
Dahm	Harawitz	Richards	Smith T F	White J J
Donnelly				36

THOSE WHO VOTED IN THE NEGATIVE

Adams	Cullinan	Landreth	Owen	Smith R B
Aiken	Curran	Latson	Parker	Steinbrink
Allen F C	Dennis	Law	Parmenter	Stimson
Angell	Deyo	Leggett	Parsons	Stowell
Bannister	Doughty	Lennox	Pelletreau	Tanner
Barnes	Dow	Lincoln	Phillips J S	Tierney
Barrett	Dunlap	Linde	Phillips S K	Vanderlyn
Baumes	Dunmore	Low	Quigg	Van Ness
Bayes	Eggleston	McKean	Reeves	Waterman
Beach	Fancher	McKinney	Rhees	Westwood
Berri	Fobes	McLean	Rodenbeck	Wheeler
Betts	Franchot	Marshall	Rosch	Whipple
Bockes	Gladding	Martin L M	Ryder	Wickersham
Brackett	Green	Mathewson	Sanders	Wiggins
Brenner	Greff	Mealy	Sargent	Williams
Bunce	Hale	Meigs	Saxe M	Winslow
Buxbaum	Heaton	Nicoll C	Schoonhut	Wood
Clearwater	Hinman	Nye	Sears	Young C H
Cobb	Johnson	O'Brian J L	Sharpe	Young F L
Coles	Kirby	Ostrander	Smith E N	90

Mr. Brackett moved that the Convention agree to said adverse report.

Mr. President put the question whether the Convention would agree to said motion and it was determined in the affirmative.

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THOSE WHO VOTED IN THE AFFIRMATIVE

Adams	Cullinan	Latson	Ostrander	Sears	
Aiken	Curran	Law	Owen	Sharpe	
Allen F C	Dennis	Leggett	Parker	Smith E N	
Angell	Deyo	Lennox	Parmenter	Smith R B	
Bannister	Doughty	Lincoln	Parsons	Steinbrink	
Barrett	Dunmore	Linde	Pelletreau	Tanner	
Baumes	Eggleston	Low	Phillips J S	Tierney	
Bayes	Endres	McKean	Phillips S K	Vanderlyn	
Beach	Fancher	McKinney	Quigg	Van Ness	
Berri	Fobes	McLean	Reeves	Waterman	
Betts	Franchot	Marshall	Rhees	Westwood	
Bockes	Gladding	Martin L M	Rodenbeck	Wheeler	
Brackett	Green	Mathewson	Rosch	Whipple	
Bunce	Greff	Mealy	Ryder	Wickersham	
Buxbaum	Hale	Meigs	Sanders	Wiggins	
Clearwater	Heaton	Nicoll C	Sargent	Winslow	
Clinton	Hinman	Nye	Saxe M	Young C H	
Cobb	Johnson	O'Brian J L	Schoonhut	Young F L	92
Coles	Kirby				

THOSE WHO VOTED IN THE NEGATIVE

Ahearn	Donovan	Mann	Saxe J G	Wagner	
Baldwin	Dooling	Martin F	Sheehan	Ward	
Blauvelt	Eppig	Newburger	Shipman	Webber C A	
Burkan	Foley	Potter	Slevin	Weber R E	
Byrne	Frank	Richards	Smith A E	Weed	
Dahm	Haffen	Ryan	Unger	White J J	
Donnelly	Harawits				32

On motion of Mr. Wickersham, the Convention adjourned.

FRIDAY, JULY 2, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. J. Addison Jones.

On motion of Mr. Wickersham, the journal of Wednesday, June 30th, was approved.

Mr. S. K. Phillips, from the Committee on Contingent Expenses, to which was referred the resolution relative to the printing as a public document of the memorial of the New York State Federation of Labor, as requested by resolution introduced by Mr. Curran, June 22d, reported in favor of the adoption of the same with the following amendment:

Resolved, That the memorial of the New York State Federation of Labor, laid before the Convention by the President on the 15th day of June, be printed as a document.

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Mr. President put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative.

Mr. J. S. Phillips, from the Committee on Library and Information, to which was referred the resolution introduced by Mr. Cullinan, June 18, 1915, relative to obtaining certain information from the Superintendent of Public Works, reported in favor of the adoption of the following resolution:

Resolved, That the Superintendent of Public Works be requested to furnish this Convention with a statement of the users of the surplus waters of the canals or their feeders, for the development of water power or otherwise, and at what places on the canals said surplus waters are taken or used by said parties.

That the Superintendent of Public Works furnish this Convention with a statement showing what contracts or agreements have been entered into by and between the Superintendent of Public Works and the users of the surplus waters of the canals or their feeders.

Mr. President put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative.

Mr. J. S. Phillips, from the Committee on Library and Information, to which was referred the resolution introduced by Mr. Wickersham, June 18, 1915, relative to the preservation and indexing for future reference all the records and data of the Convention, reported in favor of the adoption of the following resolution:

Resolved, That with a view to the preservation for future reference and use of the data upon which the Convention and its committees act, the clerks of all the committees of the Convention charged with any part of the work of revision or amendment be, and they hereby are, directed to preserve all statements of fact, answers to inquiries, printed and written arguments, official communications, petitions, memorials, and communications from institutions, corporations and voluntary associations coming to their hands.

All of such papers as are not returned to the Secretary of the Convention shall, when the respective committees have no further use therefor, be delivered to the clerk of the Committee on Library and Information.

All of such papers as shall be returned to the Secretary of the Convention shall, when the Convention has no further use there-

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for, be delivered by the Secretary to the clerk of the Committee on Library and Information. The Committee on Library and Information is instructed to provide for the permanent deposit of all such papers in the State Library or otherwise so that they may continue available for reference.

Mr. President put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative.

Mr. Wickersham offered for the consideration of the Convention a resolution, in the words following:

Resolved, That five hundred (500) copies of the report, together with the general summary statement, presented by the Attorney-General, relating to claims against the State, exclusive of the tabulated charts annexed thereto, be printed as a document.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. Parsons, from the Committee on Rules, reported in favor of the passage of the following resolution:

Resolved, That after the seventh day of July, except as specially otherwise ordered, the Convention meet at 12, noon, on Mondays and at 10 A. M. on each other day except Sunday.

On motion of Mr. Parsons, consideration of said resolution was set down for Wednesday next.

Mr. President announced the General Orders, none of which were moved.

By unanimous consent, and on motion of Mr. Parsons, the Committee on Rules was discharged from further consideration of the resolution introduced by Mr. Wood in relation to excusing the general stenographers from attendance from July 3d to 5th, inclusive.

Said resolution having been announced, on motion of Mr. Berri, the same was amended by adding thereto the following:

"And that the officers of the Convention be empowered in their discretion to excuse other employees for the same time."

Mr. President put the question whether the Convention would agree to said resolution as amended, and it was determined in the affirmative.

On motion of Mr. Wickersham, the Convention adjourned.

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WEDNESDAY, JULY 7, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. Edwin Lewis, Rensselaer.

On motion of Mr. Wickersham, the journal of Thursday, July 1st, was approved.

The President presented the communication of the State Comptroller in regard to legal expenses of State departments in response to resolution of the Convention, which was referred to the Committee on Library and Information.

By unanimous consent, Mr. J. G. Saxe introduced a proposition entitled "Proposition to amend Section one of Article V of the Constitution, relating to State officers, so as to provide for the classification and enumeration of the departments, and division of State government" (Int. No. 694), which was read twice, ordered printed and referred to the Committee on Governor and Other State Officers, etc.

Mr. J. G. Saxe offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Suffrage be discharged from the further consideration of Proposed Amendment (No. 713, Int. No. 4) entitled "Proposed constitutional amendment to amend Section four of Article II of the Constitution, in respect to the enactment of election and registration laws."

which was agreed to.

Said proposition having been announced, on motion of Mr. J. G. Saxe, the same was amended as follows:

Page 1, line 7, strike out the word "State".

Line 8, strike out all of line except the first word "offices".

Strike out line 9 down to and including the word "nominations" and insert in italics "to be filled by the voters of the entire State and".

Page 2, line 1, strike out the comma after the word "conventions" and insert a period. Make small "v" in "voters" a capital "V".

Line 6, strike out the brackets, the period following the second bracket and the italicized word "Voters:".

Strike out lines 7 and 8 and the first two words in line 9.

Ordered, Reprinted and recommitted to said committee.

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Mr. Barnes offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Legislative Powers be discharged from the further consideration of Proposed Amendment (No. 588, Int. No. 573) entitled "Proposed constitutional amendment to amend Article III of the Constitution, in relation to powers of the Legislature to pass bills, and of State agencies and officials to adopt regulations."

which was agreed to.

Said proposition having been announced, on motion of Mr. Barnes, the same was amended as follows:

Page 1, line 4, after the word "bill" insert the following new matter "under the police power of the State,".

Page 1, line 4, strike out the word "a" before the word "State" and insert the word "any".

Page 1, line 5, strike out the word "affecting" at end of line.

Page 1, line 6, strike out the words "manufacturing industries or business" and insert the word "thereunder".

Ordered, Reprinted and recommitted to said committee.

Mr. R. B. Smith offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Suffrage be discharged from further consideration of Proposed Amendment (No. 213, Int. No. 212) entitled "Proposed constitutional amendment to amend Section five of Article II of the Constitution, in relation to the manner of voting."

which was agreed to.

Said proposition having been announced, on motion of Mr. R. B. Smith, the same was amended as follows:

Page 1, line 3, strike out "manner of voting".

Page 1, line 5, strike out "paper".

Page 1, line 5, after "ballot" strike out the parenthesis.

Page 1, line 6, strike out the parenthesis and the balance of the line.

Page 1, line 7, strike out "form as to permit and" and insert in italics in place thereof "each".

Page 1, line 7, after "elector" insert in italics "shall be permitted".

Page 1, line 9, after "mark" insert in italics "or one mechanical movement".

Ordered, Reprinted and recommitted to said committee.

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Mr. Barnes, from the Committee on Legislative Powers, to which was referred Proposed Amendment introduced by Mr. R. B. Smith (No. 699, Int. No. 290), entitled "Proposed constitutional amendment to amend Section ten of Article III of the Constitution, in relation to the powers of each House of the Legislature," reported in favor of the passage of the same, without amendment, which report was agreed to, and said proposition referred to the Committee of the Whole.

Mr. Parsons, from the Committee on Rules, reported in favor of the passage of the following resolution:

Resolved, That this Convention accept as of July 7, 1915, the resignation of E. H. Hall, as clerk of the Committee on Conservation of Natural Resources, which resignation is dated that day, and that F. F. Moon be employed by this Convention as clerk to the said Committee on Conservation of Natural Resources, effective July 8, 1915, at a compensation of ten dollars ($10.00) per day.

Mr. President put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative.

Mr. J. S. Phillips, from the Committee on Library and Information, to which was referred the resolution introduced by Mr. Bayes, June 24, 1915, relative to obtaining certain information from the Secretary of State, reports in favor of the adoption of the following resolution:

Resolved, That the Secretary of State be and he hereby is directed to transmit to this Convention, as soon as may conveniently be done, the number of indictments for murder in the first and second degrees found by grand juries of the various counties of this State for the past five years, up to January 1, 1915, and the number of convictions of each degree had upon such indictments, including the pleas of murder in the second degree.

Mr. President put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative.

Mr. J. S. Phillips, from the Committee on Library and Information, to which was referred the resolution introduced by Mr. Reeves, June 23, 1915, relative to obtaining certain information from the commissioners of public records in the counties of

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New York and Kings, reports in favor of the adoption of the following resolution:

Resolved, That each of the commissioners of public records in the counties of New York and Kings be requested to furnish to this Convention, with all convenient speed, the following information relative to the organization, work and expense of his office:

1. The number of employees in his office.
2. The salary paid to each of such employees, and the total amount of salaries paid.
3. The total expense of his office per year.
4. The nature and amount of the work thus far done, and how it has progressed from year to year during the continuance of the office.
5. The nature and amount of the work yet to be done, especially with reference to the re-indexing of the records and putting them into permanent form.

Mr. President put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative.

Mr. Parsons called up the resolution reported by the Committee on Rules July 2, consideration of which was set down for this day.

Mr. Wickersham moved to strike out "two o'clock P. M." and insert "two-thirty o'clock P. M.", which amendment was accepted.

Debate was had.

Mr. Clinton moved to amend by striking out "two-thirty o'clock" and inserting eight-thirty o'clock", which amendment was accepted.

Mr. Wiggins moved to amend by inserting the words "Saturday and" before the word "Sunday".

Debate was continued.

Mr. Latson moved to postpone further consideration of said resolution until Tuesday next.

Debate was continued, when Mr. Reeves moved the previous question.

Mr. President put the question "Shall the main question be now put?" and it was determined in the affirmative.

Mr. President then put the question whether the Convention would agree to said motion of Mr. Latson, and it was determined in the negative.

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Mr. President then put the question whether the Convention would agree to said motion of Mr. Wiggins, and it was determined in the negative.

Mr. President put the question whether the Convention would agree to said resolution, as amended, and it was determined in the affirmative.

Mr. Wickersham offered for the consideration of the Convention a resolution, in the words following:

Resolved, That when the Convention adjourns to-day it adjourn as an expression of sympathy for Delegate Dick of the 46th district in the death of his wife, which took place during the past week.

which was agreed to by a unanimous rising vote.

The President announced the General Orders.

Mr. Brackett offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee of the Whole be discharged from the further consideration of Proposed Amendment (No. 697, Int. No. 680), entitled "Proposed constitutional amendment to amend Section four of Article III of the Constitution, in relation to apportionment of Senators and members of Assembly," and that the same be recommitted to the Committee on The Legislature, its Organization, etc.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. Schurman offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee of the Whole be discharged from the further consideration of Proposed Amendment (No. 279, Int. No. 279), entitled "Proposed constitutional amendment to amend Article III of the Constitution, in relation to the composition of the Senate and the terms of its members, and Section one of Article XIV, in relation to constitutional amendments," and that the same be recommitted to the Committee on The Legislature, its Organization, etc.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

On motion of Mr. Wickersham, the Convention adjourned.

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THURSDAY, JULY 8, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. J. Addison Jones.

On motion of Mr. Wickersham, the journal of Friday, July 2d, was approved.

The President presented resolutions passed by the common councils of the cities of Middletown, Tonawanda, Plattsburgh, Hudson, Port Jervis, Oswego, Ogdensburg, Mount Vernon, Oneonta and Cortland, which were referred to the Committee on Cities.

Also, the communication of M. H. Wilcoxon, which was referred to the Committee on Judiciary.

Also, the communication of the Baptist Ministers Conference, which was referred to the Committee on Education.

Mr. Unger offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Civil Service be discharged from the further consideration of Proposed Amendment (No. 136, Int. No. 136) entitled "Proposed constitutional amendment to amend Section nine of Article V of the Constitution, in relation to civil service appointments and promotions."

which was agreed to.

Said proposition having been announced, on motion of Mr. Unger, the same was amended as follows:

Page 1, line 4, after "made" insert in italics "from amongst residents of this State".

Strike out all italicised matter beginning on line 6 down to and including line 20 of page 2 and insert in italics: "When competitive examinations are deemed practicable, the appointing power shall select as his appointee, or the promoting power shall promote the candidate obtaining the highest standing in such examinations; unless such appointing or promoting power shall report in writing to such body as the Legislature may direct reasons for rejecting the highest standing candidate. Whereupon the appointing or promoting power shall appoint or promote the next highest standing candidate. No persons so appointed shall be removed or degraded unless the removing power or the power degrading him report in writing to such body as the Legislature may direct the reason for such removal or degrading. Reports

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so furnished conformably to this article shall not be privileged communications."

Ordered, Reprinted and recommitted to said committee.

Mr. Barnes offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Legislative Powers be discharged from the further consideration of Proposed Amendment (No. 377, Int. No. 315) entitled "Proposed constitutional amendment to amend Article III of the Constitution, relating to the powers of the Legislature."

which was agreed to.

Said proposition having been announced, on motion of Mr. Barnes, the same was amended as follows:

Page 1, strike out all of lines 5 and 6 and insert in place thereof the following: "Granting hereafter to any class of individuals any privilege or immunity."

Page 1, line 9, insert a new sentence, to read as follows: "The term 'public service' shall not be construed to include relief afforded to dependents directly or in behalf of others."

Page 2, line 18, after the word "for" at end of line insert "a method for placing such nominations on the official ballot."

Page 2, line 19, strike out the word "for".

Ordered, Reprinted and recommitted to said committee.

Mr. S. K. Phillips, from the Committee on Contingent Expenses, reported in favor of the passage of the following resolution:

Resolved, That Mary E. Cumming, stenographer to the Committee on Contingent Expenses, be given a leave of absence, without pay, for three weeks from July 12, 1915, and Emma R. Udell be substituted in her place for said period at the same compensation.

Mr. President put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative.

Mr. Barnes, from the Committee on Legislative Powers, to which was referred Proposed Amendment introduced by Mr. R. B. Smith (No. 700, Int. No. 275), entitled "Proposed constitutional amendment to amend Section seventeen of Article III of the Con-

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stitution, in relation to references in a bill to existing law," reported in favor of the passage of the same, without amendment, which report was agreed to and said proposition referred to the Committee of the Whole.

Mr. Barnes, from the Committee on Legislative Powers, to which was referred Proposed Amendment introduced by Mr. Tanner (No. 565, Int. No. 550), entitled " Proposed constitutional amendment to amend Section nineteen of Article III of the Constitution, in relation to the passage of private claim bills," reported in favor of the passage of the same, with the following amendment:

Page 1, line 5, after the word " thereof " strike out balance of line and also strike out all of lines 6 to 10 down to and including the bracket before the word " but ", also strike out bracket after the word "but" in line 10.

which report was agreed to, and said proposition ordered reprinted as amended, and referred to the Committee of the Whole.

Mr. Barnes, from the Committee on Legislative Powers, to which was referred Proposed Amendment introduced by Mr. A. E. Smith (No. 505, Int. No. 493), entitled " Proposed constitutional amendment to amend Article III of the Constitution, in relation to the power of the Legislature to provide for the assessment of property of a municipal corporation situated outside of the boundaries of the corporation," reported in favor of the passage of the same, with the following amendment:

Page 1, line 5, after the words " property of " strike out the word " a " and insert the word " any ".

Page 1, strike out all of lines 6 and 7 and insert the following: " within the boundaries of another municipal corporation may be reviewed and fixed by designated state authorities."

which report was agreed to, and said proposition ordered reprinted as amended, and referred to the Committee of the Whole.

Mr. Barnes, from the Committee on Legislative Powers, to which was referred Proposed Amendment introduced by Mr. R. B. Smith (No. 294, Int. No. 291), entitled " Proposed Constitutional Amendment to amend Article III and Section four of Article IV of the Constitution, in relation to extraordinary sessions

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of the Legislature and the Assembly," reported in favor of the passage of the same, with the following amendment:

By striking out all after the enacting clause and substituting therefor the following:

Article III of the Constitution is hereby amended by inserting therein a new section, to be appropriately numbered, to read as follows:

§ —. The Legislature may, of its own motion, convene to take action in the matter of removal of a judge of the Court of Appeals or justice of the Supreme Court. The Assembly may, of its own motion, convene for the purposes of impeachment. At a meeting under this section, no subject shall be acted upon except that for which the meeting is herein authorized to be held.

Section four of Article IV of the Constitution is hereby amended to read as follows:

§ 4. The Governor shall be commander-in-chief of the military and naval forces of the State. He shall have power to convene the Legislature, or the Senate, or Assembly only, on extraordinary occasions. At an extraordinary session[s] so convened no subject shall be acted upon, except such as the Governor recommend for consideration. He shall communicate by message to the Legislature at every session the condition of the State, and recommend such matters to it as he shall judge expedient. He shall transact all necessary business with the officers of government, civil and military. He shall expedite all such measures as may be resolved upon by the Legislature, and shall take care that the laws are faithfully executed. He shall receive for his services an annual salary of ten thousand dollars, and there shall be provided for his use a suitable and furnished executive residence.

which report was agreed to, and said proposition ordered reprinted as amended, and referred to the Committee of the Whole.

Mr. Barnes, from the Committee on Legislative Powers, reported by Proposed Constitutional Amendment entitled "Proposed constitutional amendment to amend Article VI, Section thirteen, in relation to trial of impeachment" (Int. No. 695), which was read twice, and said committee requests that said Proposed Amendment when printed be referred to the Committee on Judiciary, which report was agreed to and said Proposed Amendment ordered printed and referred to the Committee on Judiciary.

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On motion of Mr. J. L. O'Brian, the report of the Committee on Rules submitted June 23d in favor of the adoption of the following resolution:

In Rule 32 strike out the words "all proposed constitutional amendments reported shall, if the report be agreed to, be committed to the Committee of the Whole and immediately printed," and insert in lieu thereof the words "all proposed constitutional amendments reported favorably shall be committed to the Committee of the Whole and immediately printed unless a different order be made not inconsistent with Rule 34.

was taken from the table.

Mr. President put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative.

The President announced the general orders.

The Convention resolved itself into a Committee of the Whole and proceeded to the consideration of general orders, being the Proposed Amendment entitled as follows:

"Proposed Constitutional Amendment to amend Article I of the Constitution by striking therefrom the provisions of Section thirteen of said article, relating to leases and grants of agricultural land." (No. 34, Int. No. 34.)

After some time spent therein, the President resumed the chair, and Mr. Brackett, from said committee, reported in favor of striking out the enacting clause of said Proposed Amendment, which report was agreed to.

The Convention resolved itself into a Committee of the Whole and proceeded to the consideration of general orders, being the Proposed Amendment entitled as follows:

"Proposed Constitutional Amendment to amend Section twenty-eight of Article III of the Constitution, in relation to the granting or allowing of extra compensation by legislative bodies or auditing boards, bodies or officers." (No. 410, Int. No. 289.)

After some time spent therein, the President resumed the chair, and Mr. Brackett, from said committee, reported progress and asked leave to sit again.

Mr. President put the question on granting leave to sit again, and it was determined in the affirmative.

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On motion of Mr. Wickersham, the amendments offered in the Committee of the Whole to Proposed Constitutional Amendment No. 410, Int. No. 289, and pending at the time the committee rose, were ordered printed upon the Calendar.

Mr. Cullinan offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Suffrage be discharged from the further consideration of the last section of Proposed Amendment (No. 695, Int. No. 678) entitled "Proposed constitutional amendment to amend Sections one, four and six of Article II, and Section one of Article XII of the Constitution, in relation to the organization of summer resorts and qualifications of voters at their elections," and that the same be referred to the Committee on Counties, Towns and Villages, their Organization, Government, etc.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. R. B. Smith offered for the consideration of the Convention a resolution, in the words following:

Resolved, That Minnie C. Hullar, telephone operator, be granted leave of absence with pay on account of illness contracted in the service of the State.

which was referred to the Committee on Contingent Expenses.

Mr. Wiggins offered for the consideration of the Convention a resolution, in the words following:

Resolved, That all committees to which a copy of any proposed amendment has been referred for its opinion be requested so soon as practicable to transmit its opinion to the committee having original jurisdiction of the amendment, to the end that such opinion shall accompany any report to the convention on such amendment by the committee having original jurisdiction.

which was referred to the Committee on Rules.

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FRIDAY, JULY 9, 1915

On motion of Mr. Wickersham, the Convention adjourned.

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. Dr. Kearton.

On motion of Mr. Wickersham, the journal of Wednesday, July 7th, was approved.

The President presented resolutions passed by the common councils of the cities of North Tonawanda and Fulton, which were referred to the Committee on Cities.

Mr. S. K. Phillips, from the Committee on Contingent Expenses, reported in favor of the passage of the following resolution:

Resolved, That the compensation of Miss Helen F. Dittrich, transferred June 24th from the list of general stenographers to be stenographer to Vice-President O'Brien, be five dollars per day, dating from July first; and,

Resolved, That Mrs. Edna Gould be transferred from the list of general stenographers to be stenographer to Vice-President Schurman at a compensation of five dollars per day from July first.

Approved.

JOHN K. MARSHALL,
Official Stenographer.

Mr. President put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative.

Mr. S. K. Phillips, from the Committee on Contingent Expenses, to which was referred the resolution relative to the transfer of Lee V. Gardner, now employed as messenger, to the position of assistant mailing clerk, reported in favor of the adoption of the same, with the following amendment:

Resolved, That Lee V. Gardner, now employed as messenger, be transferred to the position of general clerk, at a salary of $5.00 per day, in place of Truman C. Bossard, general clerk, resigned, and that he be assigned to duty in the mailing department, from July first.

Mr. President put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative.

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Mr. Brackett, from the Committee on The Legislature, its Organization, etc., to which was referred Proposed Amendment introduced by Mr. Leggett (No. 88, Int. No. 88), entitled "Proposed constitutional amendment to amend Section one of Article XIII of the Constitution, relating to the official oath," reported in favor of the passage of the same, without amendment, which report was agreed to, and said proposition referred to the Committee of the Whole.

Mr. J. L. O'Brian, from the Committee on Rules, reported in favor of the passage of the following resolution:

Resolved, That Rule 50, paragraph 1, be amended by inserting at the beginning of said paragraph the words "except as provided in Rule 56," and by inserting after the word "debate" the following language: "whether reported by a committee, or otherwise introduced;" so that paragraph 1 of said rule as so amended will read as follows:

"Except as provided in Rule 56, all resolutions giving rise to debate, whether reported by a committee, or otherwise introduced, unless they relate to the disposition of business immediately before the Convention, to the business of the day on which they may be offered, or to adjournments or recesses, shall lie over one day for consideration, after which they may be called up, as of course, under their appropriate order of business."

Mr. President put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative.

Mr. Barnes, from the Committee on Legislative Powers, to which was referred Proposed Amendment introduced by Mr. Dunmore (No. 728, Int. No. 573), entitled "Proposed constitutional amendment to amend Article III of the Constitution, in relation to powers of the Legislature to pass bills and of State agencies and officials to adopt regulations," reported in favor of the passage of the same, without amendment, which report was agreed to, and said proposition referred to the Committee of the Whole.

Mr. Barnes, from the Committee on Legislative Powers, to which was referred Proposed Amendment introduced by Mr. Wickersham (No. 640, Int. No. 624), entitled "Proposed constitutional amendment to amend Section eighteen of Article III of the Constitution," reported the same for the consideration of the Convention.

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On motion of Mr. Hinman, consideration of said report was postponed until Monday next.

Mr. Hinman, from the Committee on Legislative Powers, reported by Proposed Constitutional Amendment entitled "Proposed constitutional amendment to amend generally Article III of the Constitution following Section nine of such article" (Int. No. 696), which was read twice, ordered printed and referred to the Committee on Legislative Powers.

Mr. Stimson offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the answer of the State Comptroller to a resolution of the Convention, relative to the sinking funds of the State, be printed as a document.

which was referred to the Committee on Contingent Expenses.

The President announced the General Orders, none of which were moved.

On motion of Mr. Wickersham, the Convention adjourned.

SATURDAY, JULY 10, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. J. Addison Jones.

On motion of Mr. Wickersham, the journal of Thursday, July 8th, was approved.

The President presented the resolutions of the common council of the city of Beacon, which were referred to the Committee on Cities.

Mr. Bunce offered for the consideration of the Convention a resolution, in the words following:

Resolved, That Denton G. Lake be employed as tally clerk of this Convention at a compensation of eight dollars per day.

which was referred to the Committee on Contingent Expenses.

Mr. Wiggins offered for the consideration of the Convention a resolution, in the words following:

Resolved, That Henry F. Kenny be appointed a messenger at

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a salary of $3 per day from July first, in place of Lee V. Gardner transferred.

which was referred to the Committee on Contingent Expenses.

The President announced the General Orders, none of which were moved.

On motion of Mr. Wickersham, the Convention adjourned.

MONDAY, JULY 12, 1915

The Convention met pursuant to adjournment. The President in the chair.

Prayer by Rev. F. G. Coffin, D. D.

On motion of Mr. Wickersham, the journal of Friday, July 9th, was approved.

The President presented the resolutions of the common councils of the cities of New Rochelle and Newburgh, which were referred to the Committee on Cities.

The President presented the communication of the clerk of the Court of Claims in response to a resolution of the Convention, passed May 21st, which was referred to the Committee on Judiciary.

Mr. J. G. Saxe offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee of the Whole be discharged from the further consideration of Proposed Amendment (No. 215, Int. No. 214) entitled " Proposed constitutional amendment to amend Section eighteen, Article III of the Constitution, in relation to limitations of the power of the Legislature to pass private or local bills, by prohibiting private claim bills."

which was agreed to.

Said proposition having been announced, on motion of Mr. J. G. Saxe, the same was amended as follows:

Page 2, at end of line 11 and before the period, insert in italics ", or against any political subdivision thereof ".

Between lines 11 and 12 insert in italics the following paragraph, "Authorizing any political subdivision of the State to allow or pay any claim or account."

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Ordered, Reprinted and recommitted to the Committee of the Whole.

Mr. Stimson offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on State Finances, Revenues and Expenditures be discharged from the further consideration of Proposed Amendment (No. 716, Int. No. 692), entitled "Proposed constitutional amendment to amend Sections two, four and five of Article VII of the Constitution, in relation to debts contracted by the State."

which was agreed to.

Said proposition having been announced, on motion of Mr. Stimson, the same was amended as follows:

Strike out all after the enacting clause and insert Print No. 739.

Ordered, Reprinted and recommitted to said committee.

Mr. Clinton offered for the consideration of the Convention a resolution, in the words following:

Resolved, That Mrs. Frances Dulin, stenographer, be excused for failure to attend on Thursday, Friday and Saturday of the past week because of a death in her family.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. Wickersham called up the report from the Committee on Legislative Powers on Proposed Constitutional Amendment (No. 640, Int. No. 624), entitled "Proposed Constitutional Amendment to amend Section eighteen of Article III of the Constitution," consideration of which was set down for this day.

Said report having been announced, on motion of Mr. Wickersham, consideration of the same was postponed until Wednesday next.

The President announced the General Orders.

The Convention resolved itself into a Committee of the Whole and proceeded to the consideration of General Orders, being the Proposed Amendment (No. 410, Int. No. 289), introduced by Mr. R. B. Smith, entitled as follows: "Proposed Constitutional

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Amendment to amend Section 28 of Article III of the Constitution, in relation to the granting or allowing of extra compensation by legislative bodies or auditing boards, bodies or officers," with pending amendments.

After some time spent therein, the President resumed the chair, and Mr. Whipple, from said Committee, reported progress and asked leave to sit again.

Mr. President put the question on granting leave to sit again, and it was determined in the affirmative.

The Convention resolved itself into a Committee of the Whole and proceeded to the consideration of General Orders, being the Proposed Amendment (No. 376, Int. No. 78), introduced by Mr. Austin, entitled as follows: "Proposed Constitutional Amendment to amend Section 15 of Article III of the Constitution relative to the passage of bills by the Legislature, by striking out the authorization for the passage of bills under emergency messages from the Governor."

After some time spent therein, the President resumed the chair, and Mr. Whipple, from said committee, reported progress and asked leave to sit again.

Mr. President put the question on granting leave to sit again, and it was determined in the affirmative.

The Convention resolved itself into a Committee of the Whole and proceeded to the consideration of General Orders, being the Proposed Amendment (No. 699, Int. No. 290), introduced by Mr. R. B. Smith, entitled as follows: "Proposed Constitutional Amendment to amend Section 10 of Article III of the Constitution, in relation to the powers of each house of the Legislature."

After some time spent therein, the President resumed the chair, and Mr. Whipple, from said committee, reported in favor of the passage of the above Proposed Amendment, which report was agreed to and said proposition ordered to a third reading.

On motion of Mr. Wickersham, the Convention adjourned.

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TUESDAY, JULY 13, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. H. Dykheizen.

On motion of Mr. Wickersham the Journal of Friday, July 10th, was approved.

The President presented the resolutions of the common council of the city of Albany which were referred to the Committee on Cities.

Mr. Tanner offered for the consideration of the Convention a resolution in the words following:

Resolved, That when the Convention adjourns to-day, it adjourn as an expression of sympathy for Delegate Rush Rhees of the 45th District, on the death of his mother which took place during the past week. And it is further

Resolved, That the adoption of this resolution be signified by a rising vote.

Mr. President put the question whether the Convention would agree to said resolution and it was determined in the affirmative.

The President announced the General Orders.

The Convention resolved itself into a Committee of the Whole and proceeded to the consideration of General Orders, being the Proposed Amendment entitled: Proposed Constitutional Amendment, to amend Section 18, Article III, of the Constitution, in relation to limitations of the power of the legislature to pass private or local bills by prohibiting private claim bills (No. 738, Int. No. 214).

After some time spent therein the President resumed the chair and Mr. Clinton, from said committee, reported progress and asked leave to sit again.

Mr. President put the question on granting leave to sit again and it was determined in the affirmative.

Mr. Wickersham offered for the consideration of the Convention a resolution in the words following:

Resolved, That Delancey Nicoll, Jr., be appointed assistant clerk to the Committee on the Judiciary without compensation.

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Mr. President put the question whether the Convention would agree to said resolution and it was determined in the affirmative.

Mr. Cullinan offered for the consideration of the Convention a resolution, in the words following:

Resolved, That Dr. Mary Walker be granted the privilege of addressing the Convention at some future day,

which was referred to the Committee on Rules.

On motion of Mr. Wickersham the Convention adjourned.

WEDNESDAY, JULY 14, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. J. Addison Jones.

On motion of Mr. Wickersham the journal of Monday, July 12th, was approved.

Mr. Coles presented a memorial from the Genesee Yearly Meeting of Friends, which was referred to the Committee on Military Affairs.

Mr. Quigg moved that when the Convention adjourns on Friday, July 16th, it shall be to meet on Monday, July 19th, at 8:30 o'clock P. M.

Debate being had thereon, the said motion was laid over under the rule.

Mr. Quigg gave notice that he would call up the said motion for consideration prior to adjournment on Friday next.

Mr. Barnes called up the report from the Committee on Legislative Powers, on Proposed Constitutional Amendment (No. 640, Int. No. 624), entitled Proposed Constitutional Amendment, to amend Section 18, Article III of the Constitution, consideration of which was set down for this day.

Said proposition having been announced, Mr. Barnes moved that said Proposed Constitutional Amendment be referred to the Committee of the Whole.

Mr. President put the question whether the Convention would agree to said motion, and it was determined in the affirmative.

Mr. Westwood offered for the consideration of the Convention a resolution, in the words following:

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Resolved, That the Committee on Legislative Powers be discharged from the further consideration of Proposed Amendment (No. 683, Int. No. 667), entitled Proposed Constitutional Amendment, to amend Section 13, Article III of the Constitution, by limiting the number of bills which may be passed weekly by the houses of the legislature, and that the same be referred to the Committee on Legislative Organization.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. Tanner, from the Committee on Governor and Other State Officers, to which was referred Proposed Amendment introduced by Mr. Tanner (No. 365, Int. No. 360), entitled Proposed Constitutional Amendment, to amend Section 9, Article IV of the Constitution, by extending the time in which the Governor may approve bills after adjournment, reported in favor of the passage of the same with the following amendment:

Page 2, line 14, strike out "sixty" and insert "forty-five"

which report was agreed to and said proposition ordered reprinted as amended, and referred to the Committee of the Whole.

Mr. S. K. Phillips, from the Committee on Contingent Expenses, to which was referred the resolution relative to granting leave of absence to Minnie C. Hullar, telephone operator, on account of illness, reported in favor of the adoption of the following resolution:

Resolved, That Minnie C. Hullar, telephone operator, be granted leave of absence with pay on account of illness contracted in the service of the state.

Mr. President put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative.

Mr. S. K. Phillips, from the Committee on Contingent Expenses, to which was referred the resolution relative to appointment of Henry F. Kenney as messenger in place of Lee V. Gardner, transferred, reported in favor of the adoption of the following resolution:

Resolved, That Henry F. Kenney be appointed at a salary of $3 per day from July first, in place of Lee V. Gardner, transferred.

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Mr. President put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative.

Mr. J. L. O'Brian, from the Committee on Rules, offered for the consideration of the Convention a resolution in the words following:

Resolved, That the secretary forthwith cause to be printed as a document the rules of this Convention as amended to this date, and that he cause to be printed in convenient size 500 copies of said rules, bound in flexible covers, for the use of this Convention.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative, a majority of all the delegates elected to the Convention voting in favor thereof.

Mr. J. L. O'Brian, from the Committee on Rules, offered for the consideration of the Convention a resolution in the words following:

Resolved, That the resignation of Thomas C. Eipper as Clerk to the Committee on Cities be accepted to take effect this day, and that Frederick W. Myers be appointed as Clerk in his stead at the compensation of $10 per day.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative, a majority of all the delegates elected to the Convention voting in favor thereof.

On motion of Mr. Wickersham the Convention was adjourned.

THURSDAY, JULY 15, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. James J. Halliday, Binghamton.

On motion of Mr. Wickersham, the journal of Tuesday, July 13th, was approved.

Mr. President presented the communication of A. S. Wardle, President of the New York State Pharmaceutical Association, which was referred to the Committee on Legislative Powers.

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Also, the communication of Frank W. Grinnell, which was referred to the Committee on Legislative Powers.

Also, the resolutions of the common councils of the cities of Mechanicville, Schenectady and Auburn, which were referred to the Committee on Cities.

Also, the communication of the Secretary of State, in relation to proposed amendments, which was referred to the Committee on Future Amendments and Revisions of the Constitution.

The President presented the communication of the Secretary of State, in response to the resolution of the Convention, which was referred to the Committee on Judiciary.

Also, the communication of the commissioner of records of the county of New York, in response to resolution of the Convention, which was referred to the Committee on Judiciary.

Mr. Parsons offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the opinion of the Court of Appeals, rendered July 13, 1915, in the Matter of the Claim of Marie Jensen for compensation under the Workmen's Compensation Law against the Southern Pacific Company, Employer and Self-insurer, be printed as a document.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. Quigg called up his motion of July 14th in relation to the adjournment of the Convention from Friday, July 16th, to Monday, July 19th.

Debate was had.

Mr. President put the question whether the Convention would agree to said motion, and it was determined in the negative.

Mr. Betts offered for the consideration of the Convention a resolution, in the words following:

Resolved, That 500 copies of the hearings on capital punishment before the Bill of Rights Committee be printed as a document for the use of the members of this Convention.

which was referred to the Committee on Contingent Expenses.

Mr. Cullinan, from the Committee on Suffrage, to which was referred the following Proposed Amendments:

Mr. Steinbrink (No. 42, Int. No. 42), entitled "Proposed con-

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stitutional amendment to amend Section 4 of Article II of the Constitution of the State of New York, so as to provide for absentee voting;"

Mr. Nixon (No. 91, Int. No. 91), entitled "Proposed constitutional amendment to amend Section 1 of Article II, providing privilege of suffrage for absent voters;"

Mr. Wiggins (No. 127, Int. No. 127), entitled "Proposed constitutional amendment to amend Section 4 of Article II of the Constitution of the State of New York;"

Mr. A. E. Smith (No. 250, Int. No. 247), entitled "Proposed constitutional amendment to amend Section 1 of Article II of the Constitution, relative to permitting certain railroad employees absent from their places of residence to vote at general elections;"

Mr. Mann (No. 288, Int. No. 285), entitled "Proposed constitutional amendment to amend Section 1 of Article II of the Constitution, relative to absent electors."

reported in favor of the passage of the following substitute:

PROPOSED CONSTITUTIONAL AMENDMENT

To Amend Article Two of the Constitution, by Adding Thereto a New Section in Relation to Absentee Registration by Federal Employees, Commercial Travelers or Those Regularly Employed on Railroad Trains.

The Delegates of the People of the State of New York, in Convention assembled, do propose as follows:

Article II of the constitution is hereby amended by adding a new section to read as follows:

§ —. *The Legislature shall provide for the registration without personal appearance of citizens entitled to vote, who are federal employees or commercial travelers, or are regularly employed on railroad trains, and who shall have been absent from the county in which they reside on the day or days designated for registration.*

which report was agreed to, and said proposition ordered reprinted, as amended, and referred to the Committee of the Whole.

Mr. Cullinan, from the Committee on Suffrage, to which was referred Proposed Amendment introduced by Mr. J. G. Saxe (No. 729, Int. No. 4), entitled "Proposed constitutional amendment

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to amend Section 4 of Article II of the Constitution, in respect to the enactment of election and registration laws," reported in favor of the passage of the same, without amendment, which re-report was agreed to and said proposition referred to the Committee of the Whole.

Mr. Cullinan, from the Committee on Suffrage, to which was referred Proposed Amendment introduced by Mr. Tierney (No. 105, Int. No. 105), entitled "Proposed constitutional amendment to amend Section 4 of Article II of the Constitution, in relation to the enactment of election and registration laws," reported in favor of the passage of the same, with the following amendments:

On page 1, line 4, after the word "made" italicize the words "regulating nominations and general and special elections."

On line 7 strike out the words "state offices".

Strike out all of lines 8, 9, 10 and 11, on page 1, and the new matter on page 2, line 1.

Insert on page 1, line 7, after the words "nominations for", the following new matter, in italics: "elective offices to be filled by the voters of the entire State and for all elective judicial, congressional, senatorial, assembly, city, borough and county offices, except to fill vacancies in nominations, shall be made by party conventions. Voters shall be registered annually."

On page 2, line 2, after the words "before each" insert, in italics, the word "general".

which report was agreed to, and said proposition ordered reprinted as amended, and referred to the Committee of the Whole.

Mr. Barnes, from the Committee on Legislative Powers, to which was referred Proposed Amendment introduced by Mr. R. B. Smith (No. 594, Int. No. 579), entitled "Proposed constitutional amendment to amend Section 16 of Article III of the Constitution, in relation to private and local bills," reported in favor of the passage of the same, with the following amendments:

Page 1, line 6, after the word "invalid" strike out the words "by reason" and insert in italics the word "because".

Page 1, line 7 before the word "years" strike out the word "five" and insert in italics the word "twenty".

which report was agreed to and said proposition ordered reprinted as amended, and referred to the Committee of the Whole.

Mr. Tanner, from the Committee on Governor and Other State

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Officers, etc., to which was referred Proposed Amendment introduced by Mr. R. B. Smith (No. 392, Int. No. 385), entitled "Proposed constitutional amendment to amend Sections 6 and 7 of Article IV of the Constitution, in relation to succession to the office of Governor," reported in favor of the passage of the same, with the following amendments:

Page 2, line 1, omit "impeachment"; omit the word "or" and insert in the place thereof a comma. After the word "absence" insert in italics "or the pendency of such impeachment".

Page 2, line 8, omit bracket.

Line 10, after the period and before "If" insert a bracket.

Page 2, line 22, after the word "Governor" and before the words "before the residue of the term" insert in italics "until the commencement of the political year next succeeding the first annual election at which a successor to the Governor can be chosen, and such successor shall then be chosen".

Page 2, line 26, omit "impeachment".

Page 2, line 28, omit the word "or" and insert in place thereof a comma.

Page 3, line 1, after the word "absence" insert in italics "or the pendency of such impeachment."

which report was agreed to, and said proposition ordered reprinted as amended, and referred to the Committee of the Whole.

Mr. S. K. Phillips, from the Committee on Contingent Expenses, to which was referred the resolution relative to having the answer of the State Comptroller, in response to a resolution of the Convention, printed as a public document, as requested by the Committee on State Finances, reported in favor of the adoption of the following resolution:

Resolved, That the document, which is the answer of the State Comptroller to a resolution of this Convention, asking for information relative to the sinking funds of the State of New York, be printed as a document.

Mr. President put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative.

Mr. Lindsay, from the Committee on The Legislature, its Organization, etc., to which was referred the Proposed Constitutional Amendment, entitled "Proposed constitutional amendment to amend Section 6 of Article III of the Constitution, in relation to the compensation and expenses of members of the

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Legislature" (Int. No. 697), which was read twice, and said committee recommends that the same be referred to the Committee of the Whole.

The following reasons are presented as representing the views of the majority in support of said report:

The present rate of compensation for members of the Legislature was fixed by a constitutional amendment adopted November 3, 1874. Prior to that date, under the Constitution of 1846 it had been $3 per day, limited to $300 for the per diem, with mileage as at present. The Constitutional Convention of 1894 only continued the existing compensation. Legislators are, therefore, now serving for a compensation considered adequate by the people of the State forty-one years ago, and based on the conditions then existing. Since then the necessary cost of living has greatly increased, so that the purchasing power of a dollar then and now is essentially different. Salaries of other officers and employees of the State have from time to time been greatly increased. It is conceded, we think, that the present compensation of members of the Legislature is wholly inadequate, and that members give their time and service to the State at an actual loss.

The Legislature is the most important department of the State, has the most important duties to perform relative to the management of affairs of the State, and its members are peculiarly the agents of the people for the performance of those duties. It is also generally conceded that the Legislature should be representative of all classes of citizens, rich and poor, exalted and humble. At the present rate of compensation it has become practically impossible for a poor man to accept the office and properly attend to its duties, and particularly is it impossible for the laboring man whose absence not only prevents him from otherwise earning support for his family, but frequently results in his being compelled, after his period of service, to seek a new position. The committee does not believe that the salary should be made so large as to make the position attractive from a merely money point of view, but it does believe that it should be sufficient to reasonably compensate for services of the member of the State, and prevent him from actual loss.

The provision in the Proposed Amendment for mileage, the committee believes to be not only fair, but that it will result in equalizing the burdens imposed upon members residing in different parts of the State. A majority of the committee are convinced that the small increase in pay proposed by this amendment will result in very many more intelligent and well-qualified persons aspiring to the position, and that the general result will be improvement in the general character and standing of the Legislature. Finally, the committee is convinced that there is a general

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demand for a reasonable increase in such compensation, and that the increase proposed is reasonable and will meet the approval of the voters of the State. Voters are not unjust, and do not demand that their servants shall work for them at a loss. The vote given in 1911 for the amendment to increase the salary of Assemblymen to $3,000, and of Senators to $3,500, with mileage at three cents per mile is no criterion. It is true that amendment was defeated, principally for the reason that nearly half the voters failed to express an opinion on the question; and it is significant that the entire seven amendments submitted that year all failed of passage. Undoubtedly the great objection to that amendment, if any, would be that it provided for actual mileage at three cents a mile, which gave the impression that there was an attempt to make money out of the mileage over its actual cost.

Perhaps the strongest evidence of this general demand is the action taken by the New York State Federation of Labor, set forth in its memorial of June 8, 1915, which is printed as Document No. 17 of this Convention. Resolution No. 17, of said memorial is as follows:

> 17. Resolved, With a view of having the members of the Legislature in a more independent position financially, this conference recommend to the Constitutional Convention the wisdom of raising the salaries of the members of the Legislature to an adequate amount.

For the foregoing reasons, your committee recommends the adoption of said amendment.

(Signed) JAMES P. LINDSAY,
For the majority of the Committee.

which report was agreed to, and said Proposed Amendment ordered printed and referred to the Committee of the Whole.

Mr. Brackett presented the following minority report:

To the Convention:

With great respect for the opinion of our fellow members of the Committee on Legislative Organization, we feel constrained to dissent from the report of the committee recommending the raising of the salaries of members of the Legislature from $1,500, a year, as now established, to $2,500.

Among others, these are our reasons for such dissent:

1. It is not a time favorable to the increase of official salaries.

It should always be remembered that the expenses of the State are paid in part by persons whose incomes are smaller than the salaries of the majority of the public servants, to which payers any increase of taxation is burdensome. This time of financial

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stress should not be seized upon to increase such burden in the slightest degree if it is avoidable. It is avoidable here.

2. We do not forget the claim that many salaries are now so large as to make the salary of legislators ridiculously small in comparison. Our reply is that such present disproportionately large salaries should be greatly reduced, rather than that any attempt be here made to grade the lower up to them.

The public service is no place in which to amass a fortune. It is one of the penalties of such service that the money returns therefor are, and must remain, very moderate.

3. There are two lines of reasoning with respect to salaries of those in the State service. One is that the larger salary will attract to such service a better and more efficient class of public servants; the other that such larger compensation will draw to it men who are willing to become professional politicians, with a chief view of drawing the salary regardless of the character of the service rendered.

We believe that the best service to the State in the Legislature is not rendered by the man devoting his whole time to political life and who is lured by the salary, but rather by those who, busy in their own affairs, are yet willing to sacrifice of their time in serving the public in places of honor, and who find much of their compensation for such service in the confidence and regard of the constituency electing them and in the satisfaction that comes from the consciousness of duty well performed.

It must be borne in mind that the active duties of a member of the Legislature are not continuous, do not usually engage more than about a third of the year and that they are so distributed as to leave reasonable time for a man diligent in business to care somewhat for his private affairs, while still well serving the public.

For these reasons, believing that the present compensation of $1,500, a year for each legislator, while not large, is still sufficient to indemnify the average Senator or member for his time rendered and expense incurred in the public service, we present this minority report for the consideration of the Convention.

July 14, 1915.

(Signed) EDGAR T. BRACKETT,
LEMUEL E. QUIGG,
THOMAS A. KIRBY,
LEWIS H. FORD.

The President announced the General Orders.

On motion of Mr. Wickersham, the further reading of the calendar was dispensed with.

Mr. Berri was excused from the session of July 17th.

On motion of Mr. Wickersham, the Convention adjourned.

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FRIDAY, JULY 16, 1915

The Convention met pursuant to adjournment, Mr. Vice-President Schurman in the chair.

Prayer by Rev. James J. Halliday.

On motion of Mr. Wickersham, the journal of Wednesday, July 14th, was approved.

Mr. Quigg moved that the Convention do now adjourn.

Mr. Wickersham raised the point of order that the motion of Mr. Quigg was not in order.

Mr. President declared the point of order not well taken.

Mr. Wickersham appealed from the decision of the Chair.

The President put the question "Shall the decision of the Chair stand as the judgment of the Convention?" and it was determined in the affirmative.

The President announced the General Orders.

On motion of Mr. Wickersham, the further calling of the calendar was dispensed with.

Mr. Quigg moved that the roll of the Convention be called to ascertain if a quorum is present.

Mr. President put the question whether the Convention would agree to said motion, and it was determined in the negative.

Mr. Quigg moved that when the Convention adjourn this day, it be to meet again Monday, July 19th, at 8:30 o'clock P. M.

Mr. President put the question whether the Convention would agree to said motion, and it was determined in the negative.

On motion of Mr. Wickersham, the Convention adjourned.

SATURDAY, JULY 17, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. Burton J. Hotaling.

On motion of Mr. Wickersham the journal of Thursday, July 15th was approved.

The President presented resolutions adopted by the common councils of the cities of Batavia, Lockport and Syracuse, which were referred to the Committee on Cities.

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Also, resolutions adopted by the board of trade of the city of Cohoes, which were referred to the Committee on Cities.

Also, resolutions adopted by the chamber of commerce of the city of Glens Falls, which were referred to the Committee on Cities.

Mr. Haffen presented the Memorial of the Bronx County Bar Association, which was referred to the Committee on Judiciary.

On motion of Mr. Quigg the Convention adjourned.

MONDAY, JULY 19, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. Charles M. Nickerson, Troy.

On motion of Mr. Wickersham, the journal of Friday, July 16th, was approved.

The President presented the resolutions of the common council of the city of Tonawanda, which were referred to the Committee on Cities.

Also, the resolutions of the Chamber of Commerce of the city of Cohoes, which were referred to the Committee on Cities.

Also, the resolutions of the common council of the city of Canandaigua, which were referred to the Committee on Cities.

Mr. Barnes offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Legislative Powers be discharged from further consideration of Proposed Amendment (No. 377, Int. No. 315) entitled "Proposed constitutional amendment to amend Article III of the Constitution, relating to the powers of the Legislature."

which was agreed to.

Said proposition having been announced, on motion of Mr. Barnes, the same was amended as follows:

Page 1, line 5, after the word "Granting" insert the word "hereafter"; also strike out the words "person or persons" and insert in place thereof "class of individuals".

Page 1, strike out all of line 6 and insert the following "not granted equally to all the members of the State."

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Page 1, line 8, after the word "person" strike out balance of line and all of line 9, and insert in place thereof the following " except for services rendered upon employment by the State or a political division thereof."

Page 1, line 11, strike out the words " or employees by an " and insert " by a private ".

Ordered, Reprinted and recommitted to said committee.

The Convention resolved itself into a Committee of the Whole and proceeded to the consideration of General Orders, being the Proposed Amendment (No. 410, Int. No. 289) entitled " Proposed constitutional amendment to amend Section twenty-eight of Article III of the Constitution in relation to granting or allowing of extra compensation by legislative bodies or auditing boards, bodies or officers."

After some time spent therein, the President resumed the chair and Mr. Phillips, from said committee, reported in favor of the passage of the above Proposed Amendment with amendments, which report was agreed to and said proposition ordered reprinted and placed on the order of third reading.

The Convention resolved itself into a Committee of the Whole and proceeded to the consideration of General Orders, being the Proposed Amendment (No. 376, Int. No. 78) entitled " Proposed constitutional amendment to amend Section fifteen of Article III of the Constitution, relative to the passage of bills" by the striking out the authorization for the passage of bills under emergency messages from the Governor.

After some time spent therein, the President resumed the chair and Mr. Phillips, from said committee, reported in favor of the passage of the above Proposed Amendment with amendments, which report was agreed to and said proposition ordered reprinted and placed on the order of third reading.

The Convention resolved itself into a Committee of the Whole and proceeded to the consideration of General Orders, being Proposed Amendment (No. 700, Int. No. 275) entitled " Proposed constitutional amendment to amend Section seventeen of Article III of the Constitution, in relation to references in a bill to existing law."

After some time spent therein, the President resumed the chair

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and Mr. Phillips, from said committee, reported that the committee recommends that said Proposed Amendment be recommitted to the Committee on Legislative Powers, which report was agreed to, and said proposition recommitted to the Committee on Legislative Powers.

The Convention resolved itself into a Committee of the Whole and proceeded to the consideration of General Orders, being the Proposed Amendment (No. 734, Int. No. 291) entitled "Proposed constitutional amendment to amend Article III and Section four of Article IV of the Constitution," in relation to extraordinary sessions of the Legislature and the Assembly.

After some time spent therein, the President resumed the chair and Mr. Phillips, from said committee, reported in favor of the passage of the above Proposed Amendment, which report was agreed to and said proposition ordered to a third reading.

Mr. Schurman, from the Committee on Education, to which was referred Proposed Amendment by Mr. Linde (No. 67, Int. No. 67), entitled "Proposed constitutional amendment to amend Section one of Article IX of the Constitution, relating to education."

And Proposed Amendment by Mr. Schurman (No. 525, Int. No. 513), entitled "Proposed constitutional amendment to amend Section one of Article IX of the Constitution, in relation to the supervision and control of education by the State."

reports by Proposed Constitutional Amendment entitled "Proposed constitutional amendment to amend Section one of Article IX of the Constitution, in relation to the supervision and control by the State of the education of children" (Int. No. 698), which was read twice, and said committee requests that said Proposed Amendment be referred to the Committee of the Whole, which report was agreed to, and said Proposed Amendment ordered printed and referred to the Committee of the Whole.

Mr. Tanner, from the Committee on Governor and Other State Officers, etc., submitted the following report:

Proposed constitutional amendment No. 4 (Print No. 729), by Mr. J. G. Saxe, was transmitted to the Committee on Governor and other State Officers, etc., for information and opinion. The committee, after deliberation, reports unanimously that in its opinion the Proposed Amendment should not be adopted for the

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reason that a provision compelling the people or political parties to make nominations for political offices in a specified way, whether by convention, direct primaries or otherwise, is not a proper subject for constitutional provision.

FREDERICK C. TANNER,
Chairman.

On motion of Mr. Brackett, said report was ordered laid upon the table.

On motion of Mr. Wickersham, the Convention adjourned.

TUESDAY, JULY 20 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. H. Dykheizen.

On motion of Mr. Wickersham, the journal of Saturday, July 17th, was approved.

The President presented the communication of the State Engineer and Surveyor, in response to a resolution of the Convention, in relation to the Board of Claims, which was referred to the Committee on Judiciary.

Mr. Austin offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Secretary of the Convention be instructed to place upon the desks of the members daily, in separate files, all amendments which are upon the third reading or general orders calendars, arranged in the order of their appearance thereon.

which was referred to the Committee on Contingent Expenses.

Mr. Westwood offered for the consideration of the Convention a resolution in the words following:

Resolved, That the Committee on Taxation be discharged from the further consideration of Proposed Amendment (No. 436, Int. No. 424) entitled " Proposed constitutional amendment to amend Article III of the Constitution, by adding a new section, providing that no real property whatsoever, except that of the United States, shall hereafter be exempt from taxation."

which was agreed to.

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Said proposition having been announced, on motion of Mr. Westwood, the same was amended as follows:

Strike out the comma in line 3 and all following, and add in place thereof the following in italics: "shall be exempt from taxation, except that by general laws exemption may be granted upon places of worship, and the land upon which they stand; upon buildings of charitable institutions, actually used in the administration of the charity, supported entirely by State, municipal or private philanthropy; upon cemeteries, held exclusively and without profit for burial purposes; and upon property owned by the Federal, State, county, city, town, village or school district governments, located within such county, city, town, village or school district respectively. The Legislature shall enact laws for the enforcement of the foregoing provisions."

Ordered, Reprinted and recommitted to said committee.

The President announced the General Orders.

On motion of Mr. Wickersham, the further reading of the Calendar was dispensed with.

On motion of Mr. Wickersham, the Convention adjourned.

WEDNESDAY, JULY 21, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. J. Addison Jones.

On motion of Mr. Wickersham, the journal of Monday, July 19th, was approved.

The President presented the resolutions of the common council and citizens of the city of Kingston, which were referred to the Committee on Cities.

Mr. Hinman offered for the consideration of the Convention, a resolution in the words following:

Resolved, That Ellen M. B. Hagan, assistant telephone operator, be assigned to the position of acting chief operator, to take the place of Minnie C. Hullar who, on July 14, 1915, was granted leave of absence on account of illness by the Convention, and that her pay dating from July 14, 1915, be the same as that heretofore paid the chief operator; and be it further

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Resolved, That Louise Patten be appointed as assistant telephone operator during the absence of Miss Hullar, at the same compensation heretofore paid to the assistant operator, and that her pay date from July 16, 1915.

which was referred to the Committee on Contingent Expenses.

On motion of Mr. Clinton printed copies of Proposed Amendments:

No. 15, Int. No. 15, entitled "Proposed constitutional amendment, to amend Section 1 of Article VI of the Constitution, relating to the jurisdiction of the Supreme Court."

No. 95, Int. No. 95, entitled "Proposed constitutional amendment, to amend Section 1 of Article I of the Constitution, by providing that suits may be brought against the State as against an individual."

No. 414, Int. No. 402, entitled "Proposed constitutional amendment, to amend Article VI of the Constitution, in relation to the jurisdiction of the Supreme Court, by extending such jurisdiction over claims against the State, and by creating a branch of the Supreme Court to be known as the claims division, and by abolishing the Court of Claims."

heretofore referred to the Committee on the Judiciary were ordered sent to the Committee on Canals, with authority to report such opinions thereon as it may deem advisable.

Mr. Barnes offered for the consideration of the Convention a resolution in the words following:

Resolved, That the Committee of the Whole be discharged from the further consideration of Proposed Amendment (No. 728, Int. No. 573), entitled "Proposed constitutional amendment, to amend Article III of the Constitution, in relation to powers of the Legislature to pass bills, and of State agencies and officials to adopt regulations",

which was agreed to.

Said proposition having been announced, on motion of Mr. Barnes the same was amended as follows:

Page 1, line 6, strike out the words "which is unreasonable" and insert in italics in place thereof "unless there is a reasonable necessity for the exercise of such power to protect the general interests of the community".

Ordered reprinted and recommitted to said committee.

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Mr. Barnes presented the following statement of the Committee on Legislative Powers:

In advocating the adoption of the bill introduced by Mr. Dunmore, Int. No. 573, the Committee on Legislative Powers and Limitations desires to file with the Convention the following memorandum:

This bill proposes to write into the basic law of the State the principle of reasonableness in legislation in the exercise of the police power which is a part of the unwritten constitutional law of this State.

In the case of the People vs. Ringe, 197 N. Y., the Court of Appeals held unanimously as follows:

> "Power and authority exist * * * in the legislature to license and regulate certain vocations, notwithstanding the provisions of the Federal and State Constitutions, but such power and authority are dependent upon a reasonable necessity for its exercise to protect health, morals, or the general welfare of the State."

This principle was fully discussed in the prevailing and dissenting opinion of the Supreme Court of the United States in the Slaughter House Cases as early as 1872, and although the court divided in respect to monopoly and special privilege, there was general agreement to the effect that the States have reserve power to enact police laws in all cases where it is necessary to protect the general interests of the community.

Inasmuch as citizens generally have failed to understand the distinction between the written and the actual construction and application of the Constitution and the recognition by the courts of this power of the State, it has seemed to this Committee that it is of great importance in so fundamental a matter that the written Constitution should clearly express the precise status of the law and leave no question for discussion or misunderstanding as to the power of the limitations of the Legislature or of the courts.

The provision to the effect that the Legislature shall not pass a bill under the police power, etc., unless there is reasonable necessity for the exercise of such power to protect the general interest of the community, which is the phraseology of the Federal courts, or to protect the health, morals, or the general welfare of the State, which is the phraseology of the State courts, will clarify the entire situation, remove all doubts and will be of particular benefit to the community in all important respects.

On the one hand it will relieve the Legislature of the charge of attempting to do that which it has not the power to do, and on the other hand will relieve the courts from the charge of attempting to deprive the Legislature of power.

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This adopts into the written Constitution the principle of the "rule of reason", which has prevailed in the Federal courts from early times and which was accentuated a short time ago under the decisions of the Standard Oil and Tobacco cases.

The same rule of reason in the construction, application and determination of the validity of a statute has long prevailed in this State and is formally written into the law in the Public Utilities Act of 1907, in which, by Section 49, it was held that the orders of the Public Service Commission should be just and reasonable, thus subjecting their review on the ground of justice and reasonableness. This was also embodied in the State Labor Law of 1909 and was recognized and repeated with greater emphasis in the amendment contained in the Industrial Law of 1915.

On motion of Mr. Barnes, the same was ordered printed as a document.

The President announced the General Orders.

On motion of Mr. Wickersham, the further reading of the calendar was dispensed with.

On motion of Mr. Wickersham, the Convention adjourned.

THURSDAY, JULY 22, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. J. Addison Jones.

On motion of Mr. Wickersham, the journal of Tuesday, July 20th, was approved.

Mr. Wickersham offered for the consideration of the Convention a resolution, in the words following:

Resolved, That after Monday, July 26th, the Convention sit from 10 A. M. to 1 P. M., from 2 P. M. to 5 P. M., and from 8:30 P. M. to 10:30 P. M., every day except Sunday.

Said resolution giving rise to debate, ordered that the same be laid upon the table.

Mr. Quigg moved that when the Convention adjourns Friday, July 23rd, it be to meet again Monday, July 26th, at 8:30 o'clock P. M.

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Said motion giving rise to debate, ordered that the same be laid upon the table.

Mr. J. L. O'Brian, from the Committee on Rules, reported in favor of the passage of the following resolution:

Resolved, That the resignation of Benjamin Kaiser as messenger be accepted, and that Frank Illig be employed this day in his stead as a messenger of this Convention at the compensation of $3.00 per day.

Mr. President put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative.

Mr. Barnes, from the Committee on Legislative Powers, to which was referred Proposed Amendment introduced by Mr. Barnes (No. 748, Int. No. 315), entitled "Proposed constitutional amendment to amend Article III of the Constitution, relating to the powers of the Legislature," reports by Proposed Amendment entitled "Proposed constitutional amendment to amend Article III of the Constitution, relating to the powers of the Legislature" (Int. No. 699), which was read twice, and said committee reports the same for the consideration of the Convention, and requests that said proposition be referred to the Committee of the Whole, which report was agreed to, and said proposition ordered printed and referred to the Committee of the Whole.

Mr. Barnes, from the Committee on Legislative Powers, to which was referred Proposed Amendment introduced by Mr. Barnes (No. 748, Int. No. 315) entitled "Proposed constitutional amendment to amend Article III of the Constitution, relating to the powers of the Legislature," reports by Proposed Amendment entitled "Proposed constitutional amendment to amend Article III of the Constitution, relating to the powers of the Legislature" (Int. No. 700), which was read twice, and said committee reports in favor of the passage of the same, and requests that said proposition be referred to the Committee of the Whole, which report was agreed to, and said proposition ordered printed and referred to the Committee of the Whole.

Mr. Barnes, from the Committee on Legislative Powers, to which was referred Proposed Amendment introduced by Mr. Barnes

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(No. 748, Int. No. 315), entitled "Proposed constitutional amendment to amend Article III of the Constitution, relating to the powers of the Legislature," reports by Proposed Amendment entitled "Proposed constitutional amendment to amend Article III of the Constitution, relating to the powers of the Legislature" (Int. No. 701), which was read twice, and said committee reports in favor of the passage of the same, and requests that said proposition be referred to the Committee of the Whole, which report was agreed to, and said proposition ordered printed and referred to the Committee of the Whole.

Mr. Barnes, from the Committee on Legislative Powers, presented the following:

Memorandum from the Committee on Legislative Powers and Limitations on bill introduced by Mr. Barnes (Int. No. 365, Prt. No. 748).

This proposal is based upon the principle that the granting of a privilege or immunity to any class of individuals in the State is properly a constitutional and not a legislative function.

Privilege in its essence is contrary to the spirit of American institutions, but the right of the voters to grant privilege is inherent in their sovereign power. The committee, therefore, holds that in the event, that certain citizens desire that the State shall grant similar privilege as has been done in the case of the Workmen's Compensation amendment to the Constitution, their appeal should be made directly to the voters through constitutional amendment.

Mr. Tanner, from the Committee on Governor and Other State Officers, etc., to which were referred several Proposed Amendments to Section 1 of Article IV of the Constitution, reports by proposed constitutional amendment entitled "Proposed constitutional amendment to amend Section 1, Article IV of the Constitution" (Int. No. 702), which was read twice, and said committee reports in favor of the passage of the same, which report was agreed to, and said proposition ordered printed and referred to the Committee of the Whole.

We are unable to agree with the majority of the committee in recommending the amendment to Section 1, Article IV, extending the term of the Governor to four years and making him ineligible to succeed himself.

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The chief function of the Governor is the administration of the business of the State.

If he does it well, he should be re-elected.

If he does it badly, two years is long enough.

The people demand and should have a close relation with their chief executive. If you take away the frequent election you must grant the antidote for the long term, viz., the recall.

We can not subscribe to this experiment and accordingly register our dissent.

ARTHUR J. BALDWIN,
Member of the Committee on Governor and other State Officers.

Mr. Cullinan, from the Committee on Suffrage, to which was referred Proposed Amendment introduced by Mr. C. H. Young (Nos. 706, 717, Int. No. 686), entitled "Proposed constitutional amendment to amend Article II of the Constitution, relative to the qualification of voters," reported in favor of the passage of the same, without amendment, which report was agreed to and said proposition referred to the Committee of the Whole.

Mr. Cullinan, from the Committee on Suffrage, to which committee were referred several proposed constitutional amendments and a resolution, making provision with respect to amendments coincidently submitted by a Convention and the Legislature; and a number of hearings having been had on the subject matter embraced in said proposed constitutional amendments and resolution, the said committee unanimously reports by proposed constitutional amendment entitled "Proposed constitutional amendment to amend Section 3 of Article XIV of the Constitution, by making provision with respect to amendments coincidently submitted by a Convention and the Legislature" (Int. No. 703), which was read once.

On motion of Mr. Cullinan, said report and Proposed Amendment were laid upon the table.

Mr. M. Saxe, from the Committee on Taxation, to which was referred Proposed Amendment introduced by the Committee on Taxation (No. 696, Int. No. 679) entitled "Proposed constitutional amendment to amend the Constitution, by inserting a new

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article in relation to taxation," reported in favor of the passage of the same, with the following amendments:

On page 1, line 5, after the word " away." add the following in italics: " No property shall be exempt from taxation except as expressly provided by law. Laws granting exemption from taxation, whether heretofore or hereafter enacted, shall be subject to modification or repeal. Hereafter no exemption shall be granted except by general laws and upon the affirmative vote of two-thirds of all the members elected to each House."

On page 1, strike out from lines 6 to 11 inclusive and insert the following in italics: " Section 2. Taxes shall be imposed by general laws and for public purposes only. The Legislature shall prescribe how taxable subjects shall be assessed and provide for officers to execute laws relating to the assessment and collection of taxes, any provision of any other article of this Constitution to the contrary notwithstanding. The Legislature shall provide for the supervision, review and equalization of assessments."

On page 2, strike out lines 1, 2 and 3 and insert the following in italics: " Section 3. For the assessment of real property, heretofore locally assessed, the Legislature shall establish tax districts, none of which, unless it be a city, shall embrace more than one county. The assessors therein shall be elected by the electors of such districts or appointed by such authorities thereof as shall be designated by law. The Legislature may provide that the assessment roll of each larger district shall serve for all the lesser tax districts within its boundaries. The Legislature may, however, provide for the assessment by State authorities of all the property of designated classes of public service corporations.

" Section 4. The Legislature may empower State authorities to review the assessment of the real property of a municipal corporation not within the limits of such corporation and to order a reassessment thereof subject to judicial review."

which report was agreed to, and said proposition ordered reprinted as amended, and referred to the Committee of the Whole.

Mr. S. K. Phillips, from the Committee on Contingent Expenses, to which was referred the resolution relative to appointment of telephone operators, introduced by Mr. Hinman, July 21, 1915, reported in favor of the adoption of the said resolution.

Mr. President put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative.

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The President announced the General Orders.

On motion of Mr. Wickersham, the reading of the Calendar was dispensed with.

Mr. Wiggins offered for the consideration of the Convention a resolution, in the words following:

Resolved, That there be printed as a document of this Convention, the speeches made by William D. Guthrie, D-Cady Herrick and George W. Wickersham, made before the Suffrage Committee, on the subject of nominations by Convention system.

which was referred to the Committee on Contingent Expenses.

On motion of Mr. Wickersham, the Convention adjourned.

FRIDAY, JULY 23, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. S. H. Goldenson.

On motion of Mr. Wickersham, the journal of Wednesday, July 21st, was approved.

The President presented resolutions adopted by the common councils of the cities of Hornell, Corning, and Elmira, which were referred to the Committee on Cities.

Also resolutions adopted by citizens of the cities of Cortland and Oneonta, which were referred to the Committee on Cities.

On motion of Mr. Quigg, his motion of July 22d relating to the adjournment of the Convention from Friday, July 23d, to Monday, July 26th, was taken from the table.

Mr. President put the question whether the Convention would agree to said motion, and it was determined in the negative.

Mr. Wickersham offered for the consideration of the Convention a resolution in words following:

Resolved, That the chairmen of the respective committees report to the Convention Monday evening, July 26th, concerning the state of business of their committees, and the time when they expect to be able to report to the Convention upon the principal matters under consideration by them.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

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Mr. Quigg moved that when the Convention adjourns this day it be to meet again Monday, July 26th, at 8:15 P. M.

Debate was had.

Mr. President put the question whether the Convention would agree to said motion, and it was determined in the negative.

Mr. Quigg raised the point of order, that a quorum of the Convention was not present.

Upon the direction of the President, the Secretary called the roll of the Convention, when the following members responded.

Aiken	Cobb	Landreth	Parmenter	Steinbrink
Allen F C	Cullinan	Latson	Parsons	Stimson
Angell	Curran	Law	Phillips S K	Tanner
Austin	Dahm	Leggett	Potter	Tierney
Baldwin	Deyo	Linde	Quigg	Tuck
Bannister	Dick	Lindsay	Rhees	Unger
Barnes	Donovan	Low	Rodenbeck	Van Ness
Barrett	Dow	Marshall	Root	Wafer
Bayes	Dunmore	Martin L M	Ryder	Waterman
Bell	Fobes	Mealy	Sanders	Weed
Berri	Franchot	Meigs	Schurman	Westwood
Betts	Gladding	Nicoll C	Sears	White C J
Blauvelt	Green	Nixon	Shipman	Wickersham
Bunce	Haffen	Nye	Slevin	Young C H
Buxbaum	Hale	O'Brian J L	Smith E N	Young F L
Clinton	Hinman	Owen	Standart	

Mr. Wickersham moved that the call be made a close call, and the Sergeant-at-arms be instructed to bring in the absent members.

Mr. President put the question whether the Convention would agree to said motion, and it was determined in the affirmative.

Mr. Wickersham moved that all further proceedings under the call be suspended.

Mr. President put the question whether the Convention would agree to said motion, and it was determined in the affirmative.

On motion of Mr. Wickersham, the convention adjourned.

SATURDAY, JULY 24, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. Ernest M. Grahn.

On motion of Mr. Wickersham the journal of Thursday, July 22d, was approved.

Mr. Wickersham offered, for the consideration of the Convention, a resolution in the words following: Resolved, That the

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Committee of the Whole be discharged from the further consideration of Proposed Amendment No. 640, Int. No. 624, entitled: "To amend section 18 of article 3 of the Constitution," which was agreed to. Said proposition having been announced, on motion of Mr. Wickersham, the same was amended as follows:

Strike out all the brackets and all the words in italics on pages 1, 2 and 3 down to and including the words "for such purposes" in line 21 of page 3.

After the words "for such purposes" in line 21 of page 3, insert in italics the words "no private or local bill in any case."

On page 4, line 19, after the word "legislature" strike out the period and insert in lieu thereof a comma, and insert in italics after said comma the following words: "nor unless the bill in its final form shall be published for at least six days in the two newspapers designated by the Secretary of State as last above provided".

In line 25 of said page 4 insert before the word "such" the words "local or private". Strike out the word "such" and after the word "bills" in said line insert the words "not prohibited in this section which rules shall be".

Ordered reprinted and referred to the Committee of the Whole.

Mr. M. Saxe offered for the consideration of the Convention a resolution in the words following:

Whereas, There has been exceedingly large demands for copies of Proposed Amendment No. 756 by the Committee on Taxation, and whereas the supply as printed under the rules of the Convention is limited,

Resolved, That there be printed for the use of the Convention 500 extra copies of Proposed Amendment No. 756, Introductory No. 679, which was referred to the Committee of the Whole on July 22, 1915.

which was referred to the Committee on Printing.

Mr. Stimson, from the Committee on the State Finances, Revenues and Expenditures to which was referred several Proposed Amendments in relation to debts contracted by the State, reported by Proposed Amendment entitled Proposed Constitutional Amendment to amend sections two, four, five, eleven and twelve of article seven of the Constitution in relation to debts incurred by the State.

Introductory No. 705 which was read twice and said Committee reports in favor of the passage of the same, which report was agreed to and said proposition ordered printed and laid upon the table.

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Mr. Stimson, for the Committee on the State Finances, Revenues and Expenditures, submits the following memorandum:

Your Committee has considered the present situation of the debts of the State of New York, the sinking funds created for such debts and the provisions of Article Seventh of the Constitution and of the statutes governing and relating to such debts. It has also given consideration to the various proposed amendments relating to this article which have been referred to it by the Convention. As a result of such investigation, it reports to the Convention a Proposed Amendment embracing its recommendations in respect to Article Seventh of the Constitution.

The Increase of Indebtedness in New York on the Part of the State and Its Subdivisions

Your Committee finds that the net debt of New York State over and above all sinking funds has increased from $7,400,000 in the year 1903 to over $145,500,000 at the present time. The gross debt outstanding today is over $186,000,000. The total authorized debt today is over $231,000,000. During this period the population has only increased from 7,650,000 in 1903 to 9,899,000 in 1914. The per capita net State debt has thus arisen from $0.94 per capita in 1903 to approximately $15.04 at present. New York has at present not merely the largest total debt, but by far the largest per capita direct debt of any of the United States. It is much larger than those of the large states which are its neighbors. Pennsylvania has practically no debt, its sinking fund accumulations exceeding its indebtedness. In Illinois, the per capita debt is but $0.39; in New Jersey, $0.24; in Indiana, $0.49; in Michigan, $2.41, the foregoing figures being for 1913.

Correspondingly there has been recently shown in New York a tendency on the part of the political subdivisions of the State to greatly increase their indebtedness. The United States Census Bureau Bulletin of 1915 on "County and Municipal Indebtedness" makes the following statement.

> "The civil divisions of the State of New York reported a total indebtedness far in excess of that reported by any other State. The total indebtedness, less sinking fund assets was $1,046,226,813, which amount was equal to 30.1 per cent. of the indebtedness of all civil divisions in the United States and more than four times the amount reported by Pennsylvania which ranks second in total debt."

The per capita figures for municipal and county indebtedness also show pre-eminence on the part of New York. Its per capita county and municipal debt is $107.71. The next highest per capita debt of the various states is $70.21 for the State of Wash-

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ington; $61.66 for New Jersey; $57.86 for Oregon; $52.86 for Massachusetts; $51.18 for California and $47.23 for Ohio.

In eleven years, 1902 to 1913, the per capita debt of this class in New York has grown from $56.56 to $107.71, an increase of 90.4 per cent. Your Committee finds that while the credit of the State is still very high, this great increase in its indebtedness has been noticed and commented on in the investment market and that there is an increasing tendency on the part of investors to scrutinize our securities and to demand an improvement in our financial methods of incurring and securing debt.

Shortcomings of the Present Methods

With the general policy of the provisions of Article Seventh, your Committee is in hearty accord. These provisions were adopted in 1846 to remedy conditions resulting from extravagance in the construction of public improvements and the creation of debt for that purpose which had produced a crisis in the financial affairs of the State. In brief, the provisions of Article Seventh forbid the contraction of debts (excepting certain emergency debts provided for in Sections 2 and 3), unless the law authorizing the debt has been submitted to the people for ratification at an election where only one such law may be voted for at a time and unless it also provides for the payment of the principal of the debt within a fixed time by a direct annual tax, the proceeds of which are to create a sinking fund for that purpose.

Your Committee believes that these restrictions upon debts, requiring the authority of the people before their creation, and permitting only one proposal to be submitted at a time, have exerted a conservative influence upon State policy which until recently was successful in keeping down the State debt.

Until recently it was the settled policy of the State to make its capital improvements out of current revenues without incurring debt for the purpose. Our hospitals, our charitable and penal institutions and other permanent improvements have been built out of annual appropriations and until the recent decision of the people to incur large indebtedness for canal and highway improvements the State debt was very small. Your Committee believes that this is a sound and proper policy for a commonwealth and believes that this Convention should proceed with extreme caution in removing these restrictions.

Nevertheless, there have developed certain serious shortcomings in the system which should be remedied. The attempt to limit the method of taxation to direct taxation has not been satisfactory and has been already modified by the amendment of 1906 contained in

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Section 11 of the Article. The State government has not been successful in its methods of calculating and collecting the contributions for the sinking funds. As a result in some years a very much larger amount has been contributed than would be necessary under scientific amortization. In other years, evidently in reliance upon such excessive contributions in the past, no contributions whatever have been made to some of the funds. There has thus resulted on the one hand an unnecessary and oppressive taxation of the present generation while, on the other, there has been no certain or automatic method provided for the enforcement of sinking fund contributions. The unnecessary burden which has been put upon present taxpayers can be readily seen when it is stated that up to September 30, 1914, there had been contributed to all of the sinking funds $34,487,679.41, where only $4,940,-095.13 was required under a 3 per cent. actuarial computation, making a surplus at that date accrued of $29,547,584.28.

Serial Bonds Instead of Sinking Fund Bonds

Your Committee recommends that hereafter all debts except emergency debts shall be based upon serial bonds payable in equal instalments. The advantages of such a system are so fundamental and are so closely related to sound governmental policy, as well as to sound finance, that we believe such a restriction to be thoroughly worthy of a place in the Constitution. The most certain, simple and cheap way to amortize a debt is to pay it off in annual instalments. The uncertainties of calculation which have so unfortunately affected our sinking funds in the past are at once eliminated. There is no large fund left in the hands of public officials to be cared for and invested and reinvested for fifty years with all the attendant risk and temptation, and the danger that this power of investment in various local securities may be perverted into a political power is entirely removed. Furthermore, the fact that the same administration which incurs a debt must at once begin, within one year, to make provision for its retirement necessarily and strongly tends towards responsibility and prudence in the contraction of debt. Finally, the serial method produces an immense saving in the amounts which the State must eventually pay to retire its debt. If our present canal debt of $118,000,000 had been composed of serial bonds finally maturing in fifty years instead of the present straight term sinking fund fifty year bonds, the State government would have saved $46,677,596.13 according to the calculation of the Comptroller's office, in the total cost of retiring the debt, even if we assume that the sinking fund was able to earn continually 4 per cent. on its investments.

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These considerations, in the opinion of your Committee, would be decisive in favor of serial bonds for the future even if such bonds were less marketable than straight term sinking fund bonds. The administrative benefits and actual cash saving of the serial method would, in the end, far outweigh even a decided loss in initial marketability. After careful investigation, however, your Committee is of the opinion that serial bonds are quite as marketable as sinking fund bonds. At a recent sale by the Finance Department of New York city, where a sale of serial bonds was made side by side with sinking fund bonds, the former brought, when reduced to terms of equivalent maturity, a better price than the latter, the Comptroller of the city attributing the success of the sale to the serial bonds. Inquiry among the large financial houses of New York, Boston, Chicago and Philadelphia has developed the practically unanimous opinion of those authorities that serial bonds are at least as marketable as sinking fund bonds. The system has already been adopted by other States of the Union and is also now in use by many of the cities and smaller subdivisions of this State.

The Life of the Bonds Shall Not Exceed the Life of the Improvement for Which They Were Issued

The amendment which your Committee submits also provides that hereafter no debt shall be contracted which shall run for a period longer than the probable life of the work or object for which the debt is to be contracted, to be determined by the Legislature under general laws. One of the most serious criticisms which your Committee finds has been made against the financial methods of the State in the past has been its failure to limit the life of the obligations it has incurred to the life of the benefits which it expected to receive from the issue of these obligations. Thus, for example, the State has authorized the issue of $100,000,000 of fifty-year bonds for the improvement of our highways and between sixty and seventy millions of this debt have already been contracted. Of this amount your Committee finds that the proceeds of approximately 30 per cent. have been spent for constructing the surface of highways, the life of which surface cannot ordinarily exceed four or five years and often is much less. This means that generations of taxpayers in this State will be paying heavy interest and sinking fund charges for improvements from which they will receive not an atom of benefit. Road surface which has been purchased with some thirty millions of these bonds will have to be replaced perhaps ten times before the date when these bonds will become due. Your Committee finds that

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this improvidence of method has brought down upon it serious condemnation on the part of all dealers in our securities and that it is pointed out as one of the most serious evils now existing in our methods.

After carefully considering various suggested methods for reform your Committee has reached the conclusion that the most practical method is that now in force in the State of Massachusetts where the Legislature provides by general laws the length of term for which bonds may be issued in respect to various classes of improvements, making the length of such term correspond with the anticipated life of the improvement. Under the terms of the amendment submitted herewith no further debt can be authorized until such statutes have been passed by the Legislature in conformity to the policy thus laid down in the Constitution. At the same time, in order that bonds issued upon the faith of such statutes may not be invalidated by evidence indicating that the Legislature was mistaken in its estimate of probable life, the determination of the Legislature embodied in the statute is made conclusive.

Even with this proposed remedy in force for the future your Committee recognizes the seriousness of the situation which has been created by the absence of such precaution in the past, particularly in regard to the highway debt. A very serious and unjust burden has been in this way placed upon future taxpayers of the State. This has been one of the considerations which have determined your Committee to recommend that the present excessive accumulations in some of the sinking funds should not be depleted for the purpose of modifying present taxation. The unnecessary burden thus cast upon present taxpayers by these existing accumulations in the sinking funds will barely offset the unnecessary and unfair burden which has been thrown upon future taxpayers by the highway debt. The present taxpayers have been compelled to pay about $30,000,000 unnecessarily into the sinking funds. Future taxpayers will be compelled to pay about $30,000,000 for the surface of highways from which they will have no benefit. The burden of one generation will roughly balance the burden of the other.

Treatment of the Present Sinking Funds

Your Committee has endeavored in its treatment of this difficult subject to keep constantly in mind both the credit of the State and the rights of the bondholders on the one side, and the necessity of relief for the taxpayers from unnecessary taxation on the other. Although there is at present in nearly all of the funds an accumulation which is wholly unnecessary to a scientific amortization of the debt, your Committee feels that it would be very unwise and improper to take out of those funds any of those

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accumulations. The amounts of these funds have been publicly advertised and reported by the Comptroller; purchasers of State bonds have undoubtedly known of and relied on this information; and to diminish the funds — whether or not it were a violation of contract — would undoubtedly seriously affect the State's credit and reputation for good faith.

Nevertheless, your Committee has felt that it was highly important that a correct and automatic method of accumulation should be provided for these funds in the future. Such a method, we believe, is provided in the amendment herewith submitted. Each year the Comptroller must appraise the value of the securities in each fund and calculate afresh the amount of the contribution which will be annually required to amortize the debt at its maturity, estimating the income on the securities at the conservative rate of 3 per cent. Thereupon it is made the duty of the Legislature to appropriate the amount thus estimated as the contribution to the fund for that year. If the Legislature fails to make this appropriation, the duty is imposed upon the Comptroller, as the chief fiscal officer of the State, to take the amount in question from the next general revenues of the State in his hands and apply it to the fund in question. The method of taxation to be employed is thus left to the discretion of the Legislature but if that body fails to act, what is essentially a lien, superior to the current requirements of the State government, is put upon its general revenues in favor of the bondholder.

The same method of enforcement is also made applicable to the payment of the instalments of principal and the interest on all future debts of the State. Your Committee feels that in this way the completion of the sinking fund for the old debt and the faithful payment of the recurring instalments of the new debt is made as simple and automatic as possible. In order to give to the persons most interested in the enforcement of the debt a right to put in motion the machinery for its collection, an express right to mandamus against the Comptroller is given to the bondholder. This remedy is placed in the Constitution because, under existing law, it would otherwise be doubtful whether such a writ would lie against a State officer.

Three of the existing sinking funds are so near completion that no further contributions to them are required. The regular accumulations upon the amounts already contributed are much more than enough to amortize the principal of the debt by the time of its maturity and leave in addition a large annual income unnecessary for that purpose. Your Committee recommends that this excess income be applied to the interest on the debt. Your Committee believes that such application is within the original contract with the bondholders contemplated by the terms of the

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present Constitution, and that, so far as those funds are concerned, the good faith of the State will be literally maintained and at the same time a certain measure of relief will be afforded to the present taxpayers.

Authorization to Refund the Outstanding Sinking Fund Debt with Serial Bonds

Your Committee feels that its recommendations would be incomplete unless authority were granted to replace the present straight term fifty year debt with serial bonds. It would be of little avail to provide a new and better system for the future and at the same time to leave the State for over forty years without authority to free itself from the burdens and inconveniences of the system about to be abandoned by exchanging the old form of debt into the new. Of course, such exchange can only be accomplished by the consent of the outstanding bondholders. Your Committee finds, however, that even if it were necessary to offer a slightly higher rate of interest on the new securities as an inducement for turning in the old, the resulting saving in expense to the State would be very large. It has been calculated by the State Comptroller's office that if the existing canal debt of one hundred and eighteen millions were refunded into serial bonds bearing a rate of interest of 4¾ per cent. as against the present average rate of less than 4½ per cent., the consequent saving to the State would be no less than $34,120,091.91.

Accordingly, in its submitted amendment, your Committee has proposed that authority be given to the Legislature to provide for the exchange of the outstanding sinking fund bonds into serial bonds of the same final maturity upon such terms and conditions as the Legislature may authorize subject only to the restrictions that the new debt shall mature no later than the old and that the total cost of debt in its new form shall not be larger than the cost to the State of the existing debt.

Debts Created in Anticipation of Revenues

Whatever express authority is granted by the present Constitution to the State government to borrow for the purpose of meeting casual deficits in current revenues or in anticipation of the receipt of taxes is contained in section 2 of article seventh. The form of this article is, in the opinion of your Committee, imperfect, first, in that it limits such borrowing power to a million dollars, and, second, that it does not strictly confine it to the foregoing purposes. Your Committee finds that in 1912, the State issued $990,000 bonds under this provision for the purpose of acquiring the Saratoga reservation, thereby practically exhausting all of its emergency borrowing power in the creation of a debt for a permanent improvement.

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During the past year, owing to the exhaustion of its surplus and the exigencies created by the European War, the State found itself obliged to borrow moneys for the current expenditures of the government in anticipation of the collection of its taxes. Owing to the fact that the amount named in section 2 was thus exhausted it was obliged to fall back upon its implied power to contract such an indebtedness. Your Committee finds that considerable embarrassment was caused thereby and that, although the Appellate Division of the Third Department has sustained the State's contention that it had such an implied power, considerable difficulty was found in the negotiation of its securities for that purpose.

Your Committee thinks that this situation should be put beyond doubt and has, therefore, recommended an amendment of section 2 which limits the debts to be contracted thereunder to debts for the purposes and within the amounts of appropriations already made, the additional limitation being imposed that the bonds or other obligations issued for this purpose shall be payable and paid within one year from the date of issue.

Highway Debt

In November, 1905, the Constitution was amended by the insertion of section 12 of Article VII, which authorized the creation of a debt for the improvement of highways and provided that the aggregate of the debt authorized by this section should not, at any one time, exceed the sum of $50,000,000. It also provided that none of the provisions of section 4 of this article should apply to the debts for the improvement of highways thus authorized by section 12. Seven years later, in 1912, an additional $50,000,000 of bonds were authorized by a referendum under section 4 of Article VII. These $100,000,000 of bonds for highway improvement have thus been authorized under two different sections of the Constitution, one of them providing for a referendum to the people and the other authorizing the issue of bonds without further authority from the people than that conferred by the enactment of section 12. Under section 12 it would also seem evident that the original debt of $50,000,000, as fast as it is retired, may be replaced by new issues of bonds under the authority of the Legislature alone, provided only that the aggregate outstanding at any one time shall not exceed $50,000,000.

Your Committee sees no reason for this divergence of methods and of authority in the creation of highway debts. It believes that all future debts created for highway construction should

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require the sanction of the people of the State expressed at a referendum under the formalities and restrictions of section 4.

The proposed amendment which it submits, therefore, carries out this recommendation and repeals the authority contained in section 12 for the creation of any further highway debts other than under the provisions of section 4.

Ratification of Existing Debts

Fully realizing the importance that there should be no possible misunderstanding in the creation of a new Constitution as to the intention and readiness of the State to stand behind its existing debts with the utmost good faith, your Committee has inserted in the proposed amendment an express assurance to that effect.

Your Committee desires to express its appreciation of the assistance it has derived from the proposed amendments submitted by Messrs. Parsons, Wagner, Blauvelt, A. E. Smith, Austin, R. B. Smith, Lincoln, Cullinan, Van Ness and E. N. Smith. These amendments have been carefully considered and many of the proposals embodied in the amendment submitted herewith by your Committee have been suggested in one or the other of the proposals submitted by these gentlemen.

Respectfully submitted for the Committee,

Henry L. Stimson,
Chairman.

Mr. Wagner presented the following minority report:

I disagree with the report of the Committee on Finance so far as it relates to the disposition of the excess in our sinking funds for the following reasons:

1. It fails to carry out the indisputable intent of the people when they voted the canal and highway referendums, namely to distribute equitably the payment of the debt over a period of fifty years.

2. The proposed amendment requires the future appropriation from the general fund of money to pay the interest on existing debts, notwithstanding the fact that more than $25,000,000 has already been taken improperly from the general fund for this purpose. No further demands ought to be made upon the general fund for sinking fund purposes until this large amount improperly taken in excess of the legal requirement has been used for the purpose for which the sinking funds were created under the provisions of the Constitution.

3. Its adoption would compel the levy next year of an unjust direct tax of $11,000,000 which ought not to be levied, since it is conceded by everyone familiar with our sinking funds that the

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excess in the different funds can be used for the payment of the interest upon the bonds without in any way affecting the security of the investment or in any way violating the provisions of the Constitution. Indeed, the excess has been collected unjustly from the present taxpayer and we ought as near as possible cure this injustice by giving the present taxpayer the benefit of this excess.

4. For the reason that while the report favors the serial bond method for future State debts, the proposal for the amortization of the present funded debt does not include or adopt the principle upon which the serial bond system is based.

Briefly, the history of the principal sinking funds is as follows: The first issue of bonds for the barge canal consisted of $2,000,000 3 per cent 18-year bonds. By an adjustment made in 1914, the sinking fund now equals the principal and its earnings meet the interest charges from year to year. The next sinking fund for barge canal bonds was created to provide for the payment of $21,000,000 of 3 per cent 50-year bonds authorized by an amendment to the Constitution in 1905. Instead of raising a tax as provided by the Constitution to provide a sinking fund for the bonds issued under this authority, the Legislature levied a tax rate of .481 of a mill upon the entire valuation of the State upon the theory that a sinking fund should be created for the entire authorized issue of $99,000,000 whether the bonds had been actually issued or not. The result was the creation of an unnecessary and illegal excess in this sinking fund of over $16,000,000. In other words, the Legislature provided a sinking fund in the years 1906, 1907, 1908 and 1909 for the bonds which had been issued and for the bonds which have been issued since, and there ought not to be any question about using this excess for the purpose for which it was raised, that is, the contribution to the sinking fund for those bonds which were subsequently issued.

The next sinking fund is to provide for the retirement of $40,000,000 4 per cent 50-year bonds issued under the authority of another amendment to the Constitution, which permitted the Legislature to increase the rate of interest. When the Legislature provided a tax rate for these bonds, it reduced it from .481 of a mill to .4 of a mill although the rate of interest had been increased, thus disclosing and confessing the error which had been made in 1906. This sinking fund also contains an excess due to the fact that after the tax rate was fixed, the assessed valuation of the State was greatly increased and the consequent contribution to the sinking fund was much larger than was necessary and also to the fact that the earnings of the sinking fund were much larger than were contemplated when the tax rate was fixed.

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The other barge canal sinking fund provides for the retirement of 50-year 4½ per cent bonds and this sinking fund has a large excess due to the payment into it of large amounts received for premiums and accrued interest. All the canal sinking funds have received premiums and accrued interest which are not necessary to meet the requirement in the Constitution and which are entirely unnecessary for the amortization of the bonds.

The excess in the highway sinking funds is due to the fact that the Constitution provided for the setting aside of a proportionate part of the debt each year but failed to make use of the earnings of such sinking funds with the result that the earnings of the funds have been placed in the highway sinking funds and created excesses to that amount.

The highway sinking funds have also been unduly enlarged by the payment into them of the premiums received on the sale of bonds. What is true of the barge canal sinking funds is also true of the barge canal terminal sinking funds, of the Cayuga and Seneca sinking funds and the Palisades Park sinking funds so that the unnecessary amount in the several funds as stated by the Comptroller in his report to this Convention is as follows:

The surplus or excess of available resources over the reserves calculated in accordance with the method stated in the balance sheet, Exhibit A, as of April 30, 1915, was $28,904,706.05, classified as follows:

Canal Debt sinking funds	$20,671,850 68
Highway Debt sinking funds	8,136,684 81
Palisades Interstate Park Debt sinking funds	96,170 56
Total	$28,904,706 05

The report of the Finance Committee accompanying their proposal condemns the creation of this large excess in the several sinking funds and admits that it was placed there improperly and through an error in judgment and not through any requirement of the Constitution. Nevertheless, their proposal does not permit the use of any of this excess for the purpose for which it was created, and the Committee gives as its reasons for not relieving the taxpayer by the use of these funds in excess of the requirement that the purchasers of the bonds knew of the existence of these abnormal sinking funds and that it would therefore be a violation of good faith on the part of the State to use them and consequently would impair the credit of the State. The contention of the Committee in this regard is not convincing because the purchasers of the bonds also knew what the consti-

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tutional provisions for sinking funds were and purchased the bonds with that knowledge. So far as impairing the credit of the State is concerned, for two years in three different sinking funds the State has, through the Legislature, made use of a portion of this excess and there has been no impairment of the credit of the State because the sale of bonds subsequent to this action of the Legislature produced the greatest premium that the State ever received and furthermore since this action of the Legislature, the value of the State bonds involved has increased and not decreased. The Committee also leaves open the question of the legality of using any part of the sinking fund. Without attempting to discuss that question, the fact that the Committee itself proposes in the future to use a part of the excess destroys the force of that contention. The other reason for not using any part of the excess in the sinking funds, which is set forth by the Committee, is that the highway bonds are fifty-year bonds while the highway improvement will last only a few years, and the Committee contends that for that reason future taxpayers will be burdened with a tax for which they received no benefit equal to the tax which the present taxpayers have been obliged to pay by the creation of the excess in the sinking funds. This contention of the Committee is made on the assumption that the highway improvements last for four or five years in some cases and then are lost to the State. The fact is that poor judgment on the part of the Highway Department caused the construction of a considerable number of State roads which could not endure for more than six or seven years. They have also constructed many roads which ought to endure during the life of the bond, but in the case where the improvement is short-lived the present taxpayer has to provide out of the general funds of the State each year money to place these poor roads in the class of permanent roads. So that while these roads will be used by the future taxpayer with the same enjoyment and benefit as if they were originally constructed in permanent form, the future taxpayer will only pay his portion of the debt.

It will be noticed by examining the Comptroller's report to this Convention, which is Document No. 18, that there is now in the sinking funds a total of $40,568,351.32 available, according to the report, for both interest and principal of the debt; that of this sum of $40,568,351.32 there is an excess over the reserve required of $28,904,706.05. It is my contention that this excess should be applied to the purpose for which the several sinking funds were created, namely, the payment of principal and interest. In that way we can avoid next year a direct tax of over $11,000,000. I particularly urge this action at this time,

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not only because it is just to the present taxpayer who has paid this excess, and the use of the excess will not in any way affect the integrity of the sinking fund or the security of the bond holder, but particularly because it will lift a burden from the shoulders of the taxpayers of New York city which they can hardly bear in view of the tremendous budget, for local purposes, of the city of New York.

For the reasons as stated, I disagree with the report of the Committee in that it did not make this additional requirement of using the excess for the payment of interest now, but so far as their other recommendations are concerned I heartily concur in their views.

ROBERT WAGNER.

Mr. Schurman from the Committee on Education reported by Proposed Amendment entitled:

Proposed Constitutional Amendment to amend article nine of the Constitution in relation to city boards of education. (Int. No. 704) which was read twice and said committee reported in favor of the passage of the same.

which report was agreed to and said proposition ordered printed and laid upon the table.

The President announced the General Orders.

On motion of Mr. Wickersham the reading of the calendar was dispensed with.

Messrs. Deyo, Wadsworth and Waterman were excused from to-day's session.

On motion of Mr. Wickersham the Convention adjourned.

MONDAY, JULY 26, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. Frederick A. Bower.

On motion of Mr. Wickersham, the journal of Friday, July 23d, was approved.

The President presented resolutions adopted by the common councils of the cities of Auburn and Olean, which were referred to the Committee on Cities.

Also, resolutions adopted by the city officials and citizens of the cities of Fulton, Gloversville, Oneida and Johnstown, which were referred to the Committee on Cities.

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The Secretary called the roll of committees, whereupon the chairmen of the several committees reported on the progress of work in those committees.

Mr. Clinton, from the Committee on Canals, to which was referred Proposed Amendment introduced by Mr. Austin (No. 368, Int. No. 363), entitled "Proposed constitutional amendment to amend Section five of the Constitution, by abolishing the commissioners of the canal fund, and providing that the duties of said commissioners shall devolve upon the Comptroller," reported in favor of the passage of the same, with the following amendment:

Page 2, line 3, after the word "comptroller," insert in italics "subject to the power of the Legislature to alter and regulate the same."

which report was agreed to, and said proposition ordered reprinted as amended, and referred to the Committee of the Whole.

Mr. Latson, from the Committee on Militia and Military Affairs, to which was referred Proposed Amendment introduced by Mr. Latson (No. 546, Int. No. 531), entitled "Proposed constitutional amendment to amend Section four, Article XI of the Constitution, in relation to the appointment of military officers by the Governor," reported in favor of the passage of the same, with the following amendments:

On line 3, page 1, strike out the words "appointment of military officers by the Governor".

On line 5, page 1, strike out the words "the Adjutant-General of the State,".

On line 6, page 1, after the words "military secretary" insert the following words in italics "and the Adjutant-General of the State".

which report was agreed to, and said proposition ordered reprinted as amended, and referred to the Committee of the Whole.

Mr. Latson, from the Committee on Militia and Military Affairs, to which was referred Proposed Amendment introduced by Mr. Latson (No. 549, Int. No. 534), entitled "Proposed constitutional amendment to amend Section five of Article XI of the Constitution, in relation to the manner of election of military officers prescribed by Legislature," reported in favor of the passage of the same, with the following amendment:

In line 3, page 1, strike out the words "Manner of election of military officers prescribed by Legislature."

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which report was agreed to, and said proposition ordered reprinted as amended, and referred to the Committee of the Whole.

Mr. Latson, from the Committee on Militia and Military Affairs, to which was referred Proposed Amendment introduced by Mr. Latson (No. 547, Int. No. 532), entitled "Proposed constitutional amendment to amend Section one of Article XI of the Constitution, in relation to the composition of the State militia," reported in favor of the passage of the same, with the following amendment:

On line 3, page 1, strike out the words "State militia".

which report was agreed to, and said proposition ordered reprinted as amended, and referred to the Committee of the Whole.

Mr. Latson, from the Committee on Militia and Military Affairs, to which was referred Proposed Amendment introduced by Mr. Latson (No. 550, Int. No. 535), entitled "Proposed constitutional amendment to amend Section six of Article XI of the Constitution, in relation to the removal of commissioned officers for absence without leave," reported in favor of the passage of the same, with the following amendment:

On line 3, page 1, strike out the words "Commissioned officers, their removal."

which report was agreed to, and said proposition ordered reprinted as amended, and referred to the Committee of the Whole.

Mr. Schurman moved to take from the table the report of the Committee on Education in favor of the passage of Proposed Amendment (No. 757, Int. No. 704) entitled "Proposed constitutional amendment to amend Article IX of the Constitution, in relation to city boards of education," which was agreed to.

On motion of Mr. Schurman, said Proposed Amendment was referred to the Committee of the Whole.

Mr. Stimson moved to take from the table the report of the Committee on the State Finances, Revenues and Expenditures in favor of the passage of Proposed Amendment (No. 758, Int. No. 705) entitled "Proposed constitutional amendment to amend Sections two, four, five, eleven and twelve of Article VII of the Constitution, in relation to debts contracted by the State," which was agreed to.

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On motion of Mr. Stimson, said Proposed Amendment was referred to the Committee of the Whole.

Mr. Parsons, from the Committee on Industrial Interests and Relations, to which was referred Proposed Amendment introduced by Mr. A. E. Smith (No. 195, Int. No. 194), entitled "Proposed constitutional amendment to amend Article III of the Constitution by inserting a new section, in relation to delegation of legislative power in matters affecting employees," reported as follows:

The Committee on Industrial Interests and Relations recommends the passage of the said amendment with the following amendments:

Strike out in line 4 the words "in its discretion".

Strike out in lines 4 and 5 the words "duly constituted" and insert in lieu thereof the words "State board or".

Strike out in line 5 the words "board or administrative agency".

Strike out in line 6 the word "varying".

Strike out in line 7 the words "to existing conditions" and insert in lieu thereof the following ", according to varying conditions,".

Strike out in line 8 the words "comfort" and "general".

Strike out in line 9 the word "employees" and insert in lieu thereof the words "any class or classes of persons or the public generally".

which report was agreed to, and said proposition ordered reprinted as amended, and referred to the Committee of the Whole.

The object of this Proposed Amendment is to enable the Legislature to delegate some of its power.

The complexity of modern industrial conditions is such that it is impossible for the Legislature, in dealing with them, to have in mind their great variety and to deal with each of them adequately and fairly. This results in laws which are unnecessarily harsh in their application to some conditions and which affect others which they were not intended to affect.

While the Legislature may now authorize the making of rules and regulations and in that way delegate some of its functions, it may only "delegate the power to determine some facts or state of things upon which a statute makes, or intends to make, its own action depend." 8 Cyc. of Law and Practice, p. 830; Ruling Case Law, Sec. 179.

It cannot delegate powers which are "inherently and exclusively legislative." *Village of Saratoga Springs* v. *Saratoga*

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Gas, Electric Light and Power Co., 191 N. Y. 123, at p. 133. The result of this is that rules and regulations cannot be formulated to deal with some situations as to which a board or commission can, as a practical matter, better determine what should be done than can the Legislature.

For instance, the Court of Appeals has held that it was a delegation of "inherently and exclusively legislative" power, and therefore unconstitutional, to insert in the one day of rest in seven law a provision exempting "employees, if the Commissioner of Labor in his discretion approves, engaged in the work of any industrial or manufacturing process necessarily continuous in which no employee is permitted to work more than eight hours in any calendar day", * * * "because of the attempt which the Legislature has made to delegate its power to the Commissioner of Labor". *People* v. *Klinck Mfg. Co.,* 214 N. Y., at p. 138.

There is a law against smoking in factories. There are some factories, however, where there is no danger from smoking, and where it could reasonably be allowed. It has been found impracticable to draw a general statute which would leave it to the Commissioner to find facts so as to allow the exemption. In such cases a board or commission sitting throughout the year could give fuller hearings than can the Legislature, and could more fairly classify the exemptions which should be made.

The delegation of such power would make more effective the work of the State Industrial Commission, which was created, as had been the Industrial Board, to meet the needs of the industrial situation.

Both the representatives of employers and the representatives of employees who were heard before your committee approved such a delegation of power.

The power can only be delegated to a body consisting of more than one, inasmuch as the terms "board" and "commission" imply more than one person. *Wilson* v. *Bleloch,* 125 A. D. 191.

The phrase "rules and regulations" implies "uniformity, publicity and the establishment of standards * * *. A rule must necessarily be of general application, and a regulation must apply impartially." *State Racing Commission* v. *Latonia Agricultural Association,* 123 S. W., 681, 685.

This limited delegation of power would not permit favoritism in individual cases, but would require rules for all similarly situated.

The words "supplementing", "modifying" and "adapting" are defined to mean the following:

Supplementing. Adding to anything to make it more full and

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complete. Filling up, or supplying by additions, making up deficiencies in.

Modifying. Qualifying; especially moderating or reducing in extent or degree; altering slightly or not very much; varying.

Adapting. Making suitable; making to correspond; suiting; fitting by altering, modifying or remodeling for a different purpose; making by altering or fitting something else; producing by changing of form or character.—(*Century Dictionary.*)

This amendment is a mere grant of power to the Legislature. The Legislature may impose such limitations upon its exercise by those to whom it delegates the power as it sees fit, and would presumably reserve the right to annul at any time any action taken under such delegation of power.

HERBERT PARSONS,
Chairman,
Committee on Industrial Interests and Relations.

Mr. Parsons, from the Committee on Industrial Interests and Relations, to which was referred Proposed Amendment introduced by Mr. A. E. Smith (No. 196, Int. No. 195), and Proposed Amendment introduced by Mr. Parsons (No. 419, Int. No. 407), both of which relate to the power of the Legislature to prohibit manufacturing in dwellings, reported as follows:

The Committee on Industrial Interests and Relations recommends the passage of Proposed constitutional amendment (No. 419, Int. No. 407), entitled "Proposed constitutional amendment to amend Article III of the Constitution, in regard to the power of the Legislature to prohibit manufacturing in structures used for dwelling purposes," without amendment, which report was agreed to, and said Proposed Amendment referred to the Committee of the Whole.

There is question whether the police power of the State as declared by the courts is extensive enough to prohibit manufacture in dwellings. This is due to the decision of the Court of Appeals, in *Matter of Jacobs,* 98 N. Y. 99, where an act which prohibited the manufacture of cigars in any part of any floor which was occupied for the purposes of living, sleeping, cooking or doing any household work in a tenement house was held unconstitutional and in which Judge Earl, writing the opinion of the court, said (at p. 113):

"To justify this law, it would not be sufficient that the * * *

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manipulation (of tobacco) may be injurious to those who are engaged in its preparation and manufacture; but it would have to be injurious to the public health. * * * It cannot be perceived how the cigarmaker is to be improved in his health or in his morals by forcing him from his home with its hallowed associations and beneficent influences to ply his trade elsewhere * * * What possible relation can cigar making in any buildings have to the health of the general public? * * *"

Earlier in the opinion the court had said of the cigarmaker (p. 104):

"He may choose to do his work where he can have the supervision of his family and their help, * * *. He may desire the advantage of cheap production in consequence of his cheap rent and family help, and of this he is deprived."

Even if it be argued that later opinions of the court would justify such legislation, the power should not be left in doubt.

Some of the objections to permitting manufacture in dwellings are the following:

The public health is imperiled. Sanitary laws and regulations of manufacture cannot be enforced, nor can restrictions on the hours of labor of women and children be enforced or their night work prevented. Tenement manufacture is a breeder of tuberculosis. We spend vast sums of money to cure tuberculosis, a large amount of which is caused by manufacture in tenements which we do not prevent. To allow manufacture in dwellings operates unfairly to the enlightened manufacturer who prefers to have his employees work in sanitary surroundings. His competitor who has the work done in dwellings is relieved of the cost of rent, light and fuel and of maintaining sanitary conditions, and all other laws regulating factory buildings. Manufacture in dwellings is manufacture at very low compensation and depresses the general wage scale. It tends to aggravate irregularity of employment. The manufacturer endeavors to keep a supply of capable employees for his factory. This is unnecessary if he is contracting out his work to be performed in dwellings. One of the worst results of manufacture in dwellings is the use of the labor of children. Very young children can be and are employed. Their employment cannot be prevented because it would require an army of inspectors to prevent it. As soon as an inspector enters the ground floor of a tenement the children on the other floors can be dismissed from their work, and the inspector finds nothing. It also leads to lack of school attendance.

There is, of course, a great deal of work done in dwellings

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which is not at all objectionable. It will be for the Legislature to so legislate under the power which this amendment gives that such work will not be interfered with.

HERBERT PARSONS,
Chairman,
Committee on Industrial Interests and Relations.

Mr. Hinman moved to take from the table the report of the Committee on Suffrage on Proposed Amendment (Int. No. 703) entitled "Proposed constitutional amendment to amend Section three of Article XIV of the Constitution, by making provision with respect to amendments coincidently submitted by a Convention and the Legislature," which was agreed to.

On motion of Mr. Hinman, said report was referred to the Committee on Future Amendments and Revisions of the Constitution.

The President announced the General Orders.

The Convention resolved itself into a Committee of the Whole and proceeded to the consideration of General Orders, being the Proposed Amendments entitled as follows:

"Proposed constitutional amendment to amend Section eighteen, Article III of the Constitution, in relation to limitations of the power of the Legislature to pass private or local bills, by prohibiting private claim bills." (No. 738, Int. No. 214.)

"Proposed constitutional amendment to amend Section nineteen of Article III of the Constitution, in relation to the passage of private claim bills." (No. 732, Int. No. 550.)

"Proposed constitutional amendment to amend Section eighteen of Article III of the Constitution." (No. 759, Int. No. 624.)

After some time spent therein, the President resumed the Chair and Mr. A. E. Smith, from said committee, recommended that said Proposed Amendments be placed at the foot of the Calendar, which report was agreed to, and said Proposed Amendments were ordered placed at the foot of the Calendar.

The Convention resolved itself into a Committee of the Whole

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and proceeded to the consideration of General Orders, being the Proposed Amendment entitled as follows:

"Proposed constitutional amendment to amend Article II of the Constitution, by adding thereto a new section in relation to absentee registration by federal employees, commercial travelers, or those regularly employed on railroad trains." (No. 742, Int. Nos. 42, 91, 127, 247, 285.)

After some time spent therein, the President resumed the Chair, and Mr. A. E. Smith, from said committee, reported progress and asked leave to sit again.

Mr. President put the question on granting leave to sit again, and it was determined in the affirmative.

Mr. Mulry was excused from the session of Tuesday next.

On motion of Mr. Wickersham, the Convention adjourned.

TUESDAY, JULY 27, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. D. J. Many, Jr., Rensselaer.

On motion of Mr. Wickersham the journal of Saturday, July 24th, was approved.

The President presented the resolutions adopted by a conference of the civil organizations and citizens of Binghamton which were referred to the Committee on Cities.

The President presented the response of the commissioner of records of the county of Kings, in response to a resolution of the Convention, which was referred to the Committee on County, Town and Village Government.

Mr. Franchot offered for the consideration of the Convention, a resolution in the words following:

Resolved, That the Committee on Industrial Interests and Relations be discharged from the further consideration of proposed amendment (No. 725, Int. No. 131), entitled "Proposed constitutional amendment to amend article five of the Constitution, by striking therefrom the provisions of section eight of said article,

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prohibiting the creation of offices for the weighing, gauging, measuring, culling or inspecting any merchandise, produce, manufacture or commodity whatever,

which was agreed to.

Said proposition having been announced, on motion of Mr. Franchot the same was amended as follows:

Page 1, line 1, strike out the word "Article" and insert "Section eight of Article", and strike out the words "by striking" and all of line 2 and insert "to read".

Line 4, strike out the bracket before the section mark and place brackets about the word "All" and insert in italics "No".

Line 6, place bracket before the comma following the word "whatever" and another after the word "office".

Line 8, place brackets about the word "abrogate" and insert in italics thereafter "prevent the creation of".

Page 2, line 1, after the word "health" insert in italics "the non-compulsory inspection and grading of food products".

Line 3, place a bracket before the comma following the word "measures".

Line 4, insert a bracket before the period, and strike out the bracket which follows the period.

Ordered, Reprinted and recommitted to said committee.

The President announced the General Orders.

The Convention resolved itself into a Committee of the Whole, and proceeded to the consideration of General Orders, being the Proposed Amendment, entitled as follows:

"Proposed constitutional amendment, to amend Section 1 of Article XIII of the Constitution, relating to the official oath" (No. 88, Int. No. 88).

After some time spent therein, the President resumed the chair, and Mr. Deyo from said committee recommended that the enacting clause of said Proposed Amendment be stricken out, which report was agreed to and the enacting clause of said Proposed Amendment stricken out.

The Convention resolved itself into a Committee of the Whole, and proceeded to the consideration of General Orders, being the Proposed Amendments, entitled as follows:

"Proposed constitutional amendment, to amend the Constitution by inserting a new article, in relation to taxation" (No. 756, Int. No. 679).

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"Proposed constitutional amendment to amend Section 1 of Article IX of the Constitution, in relation to the supervision and control by the state of the education of children" (No. 749, Int. No. 698).

After some time spent therein, the President resumed the chair, and Mr. Deyo from said committee reported progress and asked leave to sit again.

Mr. President put the question on granting leave to sit again and it was determined in the affirmative.

On motion of Mr. Wickersham, the Convention adjourned.

WEDNESDAY, JULY 28, 1915

The Convention met pursuant to adjournment, Mr. President in the Chair.

Prayer by Rev. Frank F. Blessing.

On motion of Mr. Wickersham, the Journal of Monday, July 26th was approved.

The President presented the communication of the mayor of the city of Jamestown, which was referred to the Committee on Cities.

Also, the resolutions adopted by the common councils of the cities of Lackawanna, Ithaca and Niagara Falls, which were referred to the Committee on Cities.

Also, the resolutions adopted by the chamber of commerce of the cities of Syracuse and Rome, which were referred to the Committee on Cities.

Also, the resolutions of the city boards of the city of Little Falls, which were referred to the Committee on Cities.

Mr. Cole presented the memorial of the Religious Society of Friends, in relation to Capital Punishment, which was referred to the Committee on Bill of Rights.

Also, the memorial of the Religious Society of Friends, in relation to Military Service, which was referred to the Committee on Militia and Military Affairs.

Mr. Hale, from the Committee on Public Utilities, submitted the following report:

First: Proposed Amendment introduced by Mr. Foley (No.

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715, Int. No. 98), entitled "Proposed constitutional amendment, to amend article V of the Constitution, by adding a new section thereto in relation to public service commissions for the first and second districts;"

Second: Proposed Amendment introduced by Mr. Schurman (No. 161, Int. No. 161), entitled "Proposed constitutional amendment, to amend Article V of the Constitution by adding a new section thereto in relation to public service commissions;"

Third: Proposed Amendment introduced by Mr. Olcott (No. 718, Int. No. 249), entitled "Proposed constitutional amendment, to amend the Constitution by adding a new article creating public utilities commissions and prescribing their jurisdiction, powers and duties;"

Fourth: Proposed Amendment introduced by Mr. Coles (No. 494, Int. No. 482), entitled "Proposed constitutional amendment, to amend Article V of the Constitution by adding a new section thereto in relation to public service commissions;"

Fifth: Proposed Amendment introduced by Mr. Hinman (No. 655, Int. No. 639), entitled "Proposed constitutional amendment, to amend the Constitution by adding a new article creating public service commissions and prescribing their jurisdiction, powers and duties;" and

Sixth: Proposed Amendment introduced by Mr. Landreth (No. 708, Int. No. 688), entitled "Proposed constitutional amendment, to amend Article V of the Constitution in relation to the public service commission, its powers and duties;"

Reported by Proposed Amendment, entitled "Proposed constitutional amendment, to amend Article V of the Constitution by adding a new section thereto relating to public service commissions" (Int. No. 706), which was read twice, and said committee reported in favor of the passage of said proposed amendment, which report was agreed to and said proposition ordered printed and referred to the Committee of the Whole.

Mr. Kirby presented the following minority report:

To the Convention:

The undersigned hereby dissents from the report of the Committee on Public Utilities, relative to the office of Public Service Commissioners, and gives the following reasons therefor:

First: That the continuation in office of the commissioners in the Second District at the present salary of $15,000 each, and at a greater salary than judges of the Court of Appeals and justices

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of the Supreme Court, except in the first department, should not be tolerated.

Second: That the proposal of the committee does not prevent the Legislature from further raising the compensation of the commissioners.

Third: That the right to review, and the extent and manner thereof, of the decisions and orders of the commission should not be left to the Legislature but should be fixed by the Convention.

THOMAS A. KIRBY.

Mr. S. K. Phillips, from the Committee on Contingent Expenses, to which was referred the resolution relative to the placing upon the desks of the members daily separate files containing amendments on third reading or general orders upon the calendar, introduced by Mr. Austin July 20, 1915, reported in favor of the adoption of the same with the following amendments:

Resolved, That the Secretary of the Convention be instructed to place upon the desks of the members daily, an additional copy of each amendment which is upon the third reading or general orders calendars, such copies to be arranged in the order of their appearance thereon.

Mr. President put the question whether the Convention would agree to said report and resolution and it was determined in the affirmative.

Mr. Cullinan offered, for the consideration of the Convention, a resolution in the words following:

Resolved, That the Committee of the Whole be discharged from the further consideration of Proposed Amendment (No. 742, Int. Nos. 42, 91, 127, 247, 285), entitled "Proposed constitutional amendment, to amend Article II of the Constitution, by adding thereto a new section, in relation to absentee registration by federal employees, commercial travelers, or those regularly employed on railroad trains,"

which was agreed to.

Said proposition having been announced, on motion of Mr. Cullinan the same was recommitted to the Committee on Suffrage.

Mr. Mereness, from the Committee on County, Town and Village Officers, to which was referred proposed amendment, introduced by Mr. Kirby (No. 57, Int. No. 57), entitled "Proposed constitutional amendment, to amend Section 1, Article X,

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of the Constitution," reported in favor of the passage of the same, without amendment, by a vote of 10 ayes and 5 nays, which report was agreed to and said proposition referred to the Committee of the Whole.

Mr. Clearwater, from the Committee on State Prisons, Reformatories, Penal Institutions and the Prevention and Punishment of Crime (No. 477, Int. No. 465), entitled "Proposed constitutional amendment, to amend Section 29 of Article III of the Constitution, in relation to prison labor, reported in favor of the passage of the same, with the following amendment:

Page 2, line 7, insert in italics "situate within one mile from any State Prison," also strike out the period in the same line following the word "class" and insert "comma."

which report was agreed to, and said proposition ordered reprinted as amended, and referred to the Committee of the Whole.

The President announced the General Orders.

On motion of Mr. Wickersham, the reading of the calendar was dispensed with.

Mr. Potter was excused for the week on account of illness.

On motion of Mr. Wickersham, the Convention adjourned.

THURSDAY, JULY 29, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. J. Addison Jones.

On motion of Mr. Wickersham, the journal of Tuesday, July 27th, was approved.

The President presented resolutions adopted by the common council of the city of Yonkers, which were referred to the Committee on Cities.

Also, the resolutions adopted by the city officials and citizens of the city of Rome, which were referred to the Committee on Cities.

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The President presented a letter from Hon. J. W. Wadsworth, Jr., which was referred to the Committee on Legislature, Its Organization, etc., with a copy to the Committee on Governor and Other State Officers with authority to report such opinion thereon as it may deem advisable.

Mr. Fogarty offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Industrial Interests and Relations be discharged from the further consideration of proposed amendment (No. 500, Int. No. 488) entitled "Proposed constitutional amendment to amend Article V of the Constitution by inserting a section, in relation to loss and damage by explosion of pressure carrying vessels."

which was agreed to.

Said proposition having been announced, on motion of Mr. Fogarty, the same was amended as follows:

Strike out all after the enacting clause and insert: "Article III of the Constitution is hereby amended by inserting therein a new section, to be appropriately numbered, to read as follows:

§ — "The Legislature shall, by general laws of uniform application throughout the State, provide for the licensing and inspection of steam boilers and of all vessels subject to gaseous pressure and prescribe standards for the manufacture thereof."

Amend the title to read as follows:

"Proposed constitutional amendment to amend Article III of the Constitution, in relation to legislation for the licensing and inspection of boilers and for prescribing standards of construction."

Ordered, Reprinted and recommitted to said committee.

Mr. Stimson moved that General Order No. 35, entitled "Proposed constitutional amendment to amend Sections two, four, five, eleven and twelve of Article VII of the Constitution, in relation to debts contracted by the State," be made a special order for Thursday next.

On motion of Mr. Wickersham, said motion was referred to the Committee on Rules.

Mr. Hinman offered for the consideration of the Convention a resolution, in words following:

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Resolved, That Joseph V. Allen, heretofore appointed page and for some time past acting chief of pages, be and hereby is appointed chief of pages at a compensation of five dollars a day, said appointment to date from July first.

which was referred to the Committee on Contingent Expenses.

Mr. Barnes offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Legislative Powers be discharged from the further consideration of proposed amendment (No. 737, Int. No. 696) entitled "Proposed constitutional amendment to amend, generally, Article III of the Constitution, following Section nine of such article."

which was agreed to.

Said proposition having been announced, on motion of Mr. Barnes, the same was amended as follows:

Page 3, line 17, after the word "appropriate" insert a bracket.

Page 3, line 18, after the words "tion of" at the beginning of the sentence, insert a bracket; also after the word "accounts" insert "against the state".

Page 4, line 7, after the word "before" strike out the words "October first of the" and insert "April first of the second calendar".

Page 6, line 4, after the word "supervisors" insert in italics the following: "or other governing body".

Page 6, line 13, before the word "sovereignty" insert the words "welfare and"; also before the word "state" insert the words "people of the".

Page 6, line 16, strike out after "25." balance of line and all of lines 17 to 21 inclusive, and insert in place thereof the following:

"[The Legislature shall not nor shall the common council of any city nor board of supervisors grant any extra compensation to any public officer, servant, agent or contractor.] No extra compensation shall be granted or allowed to any public officer, servant, agent or contractor, by the State or any civil division thereof or by any board, officer, or other agency of the State, or of any such civil division."

Page 7, line 15, after the word "legislature" strike out the word "may"; also before the word "convene" insert the word "may".

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Ordered, Reprinted and recommitted to said committee.

Mr. Clearwater, from the Committee on State Prisons, Reformatories, Penal Institutions and the Prevention and Punishment of Crime, to which was referred proposed amendment introduced by Mr. Marshall (No. 272, Int. No. 269), entitled "Proposed constitutional amendment to repeal Section five of Article IV of the Constitution, relating to the pardoning power of the Governor, and to amend Sections eleven and twelve of Article VIII of the Constitution so as to provide for the creation of a State board of pardons and the transfer to it of the pardoning power now vested in the Governor," reported in favor of the passage of the same with the following amendments:

Page 2, line 9, after the word "debtors" insert semicolon.

Page 2, line 10, after the word "pardons" insert in italics comma "to consist of three members" comma.

Page 2, line 15, after the word "proper" strike out the words "subject to the approval of the Governor".

Page 2, line 16, after the word "treason" strike out the word "it" and insert in italics in place thereof the words "such Board of Pardons".

Page 2, line 20, after the words "to the" strike out the words "Governor and the".

which report was agreed to, and said proposition ordered reprinted as amended, and referred to the Committee of the Whole.

Mr. Clearwater, from the Committee on State Prisons, Reformatories, Penal Institutions and the Prevention and Punishment of Crime, to which was referred proposed amendment introduced by Mr. Clearwater (No. 580, Int. No. 565), entitled "Proposed constitutional amendment to amend Section eleven of Article VIII of the Constitution of the State of New York, in relation to the State Probation Commission," reported in favor of the passage of the same, without amendment, which report was agreed to, and said proposition referred to the Committee of the Whole.

Mr. Brenner, from the Committee on Corporations, to which have been referred proposed amendments:

Pr. No. 122, Int. No. 122, proposed by Mr. Marshall.

Pr. No. 143, Int. No. 143, proposed by Mr. Doughty.

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Pr. No. 180, Int. No. 180, proposed by Mr. L. M. Martin.

Pr. No. 341, Int. No. 337, proposed by Mr. Bayes.

Pr. No. 395, Int. No. 388, proposed by Mr. Deyo.

Pr. No. 504, Int. No. 492, proposed by Mr. Sargent (for opinion).

Pr. No. 516, Int. No. 504, proposed by Mr. Shipman.

Pr. No. 623, Int. No. 608, proposed by Mr. Lincoln (for opinion).

Pr. No. 664, Int. No. 648, proposed by Mr. E. N. Smith.

Pr. No. 623-685, Int. No. 608, proposed by Mr. Lincoln (for opinion).

After numerous and extended hearings given to all desirous of being heard on the proposed amendments referred to the committee, and after fully and carefully considering the arguments and communications received in favor of and against the same, the Committee on Corporations begs leave to report that in its judgment no amendment should be made to the provisions of the existing Constitution relating to the subject of corporations.

JACOB BRENNER,
Chairman.

which report was agreed to.

Mr. Alan C. Fobes, from the Committee on Banking and Insurance, to which have been referred:

Proposed Amendments Nos. (Pr. No. 486, Int. No. 474), Mr. Leggett (Pr. No. 595, Int. No. 580), Mr. R. B. Smith (for opinion), (Pr. No. 596, Int. No. 581) Mr. R. B. Smith (for opinion), relating to the subject of banking and insurance, respectfully report that they have fully considered said propositions, and that in the judgment of the committee no amendment should be made to provisions of the existing Constitution relating to that subject.

The Committee on Banking and Insurance has examined the General Laws of the State relative to these subjects. It has heard in Committee representatives of the Banking and Insurance interests, and others who have desired a hearing, and has considered all proposals suggested, whether formally or informally.

Having completed its work your Committee begs leave to report that in its opinion the laws governing banking and insurance

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are working well and giving general satisfaction. That any modification of these laws that changed conditions may from time to time require, may properly become the subject of Legislative consideration and action, and that no change in the Constitution relative to the subjects of banking and insurance are necessary or desirable.

ALAN C. FOBES,
Chairman.

Mr. Leggett presented the following minority report in relation to "Proposed constitutional amendment to amend Article III of the Constitution by inserting a new section, in relation to delegation of legislative power in matters affecting employees" (No. 765, Int. No. 194):

The minority of the committee opposes the adoption of this proposal for the following reasons:

That no instances were quoted to the committee calling for additional power in the Legislature to remedy the evils sought to be cured.

That the wording of the proposal is so broad as to easily make possible the adoption by executive boards of rules and regulations that would cover ground not contemplated by the Legislature.

This would at the best constitute the board a Legislature without the safeguards of a Legislature and without its responsibility to the people, and at the worst, it would go so far as practically to defeat the will of the Legislature.

J. C. LEGGETT.

Mr. Leggett presented the following minority report in relation to "Proposed constitutional amendment to amend Article III of the Constitution, in regard to the power of the Legislature to prohibit manufacturing in structures used for dwelling purposes" (No. 419, Int. No. 407):

The minority of the committee respectfully opposes the adoption of this proposal for the following reasons:

That the right of the individual to earn his own living and that of his family by the labor of his own hands in his own home

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through the pursuit of a lawful and innocent occupation should never be at the risk of the tyranny, caprice or mistake of the Legislature.

That this is a right which has existed from time immemorial and which the State should not be permitted to take away.

Men have organized rebellions and suffered death for less cause than would be possible under this proposal.

J. C. LEGGETT.

Mr. Lindsay, from the Committee on Relations to the Indians, to which have been referred several proposed amendments relating to abolishing of Indian courts and extending the laws of the State of New York to the Indians, reports by proposed constitutional amendment entitled "Proposed constitutional amendment to amend Section fifteen of Article I of the Constitution of the State of New York, in relation to Indians" (Int. No. 707), which was read twice and said committee reports in favor of the passage of the same, which report was agreed to, and said proposed amendment ordered printed and referred to the Committee of the Whole.

The following reasons, among others, are presented in support of said report:

Your Committee is convinced that the time has come when the Indians of the State of New York should be treated as civilized persons, and not as barbarians. The theory of the State and Federal Government for more than a century has been to treat them as dependents, in a state of tutelage, with the ultimate end in view of full citizenship. Although this policy has been pursued through four generations, our method of governing these people, our attitude toward them, and their knowledge of our laws remain practically as they were a half century ago.

During that period the American Negro, at the beginning of the period fully as incapable of self-government as the Indian, has passed from slavery and dense ignorance to good citizenship and comparative intellectuality. Indeed, when the American Indian in this State was an intelligent, independent, and, in a measure, self-governing individual, the American Negro was much lower in

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the scale of civilization, and was a slave. The reason for the progress of the Negro, and the stagnant condition of the Indian is not hard to find. One associated with the white man, was governed by his laws, later had the benefit of these laws conferred upon him, and was compelled to know and obey them; the other, treated as a child, left to his own devices and government, in doubt as to his allegiance and rights under our laws, has drifted along without an object and without hope as to his future. Ultimate citizenship has been the cry of presidents and governors in their recommendations, of commissioners of the Federal Government and of this State, for nearly a century; while the method of government of the Indians in New York during all that time has tended in exactly the opposite direction.

In 1888, the Legislature of this State appointed a commission, of which Mr. Whipple of this Committee was Chairman, to investigate and report on almost every phase of the State Indian problem. This Commission performed its duties with thoroughness, and made a report in January, 1889, covering in detail and with the greatest fullness and accuracy, all questions relating to the lands, moral and social condition, government and needs of the Indians, and collecting in the report the treaties, laws and contracts which relate thereto. This report, commonly known as the Whipple report, among other things, made the following recommendation:

(4) "The repeal of all existing laws relating to the Indians of the State, excepting those prohibiting the sale of liquors to them and intrusion upon their lands, the extension of the laws of the State over them, and their absorption into citizenship."

Practically nothing has been done by the Legislature in pursuance of such recommendation.

In 1905, the Legislature appointed another Committee to inquire and report upon the powers of the State to legislate for the Indians, and what, if any, additional legislation was needed. This Committee, for which Mr. Ray B. Smith of this Convention was counsel, took evidence upon the various reservations and elsewhere, and in 1906 made its report. Both the Whipple Commission and this Committee strongly condemned the Indian courts, the law conferring upon the peacemakers of the Seneca Indians on the Allegheny and Cattaraugus reservations exclusive power

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over marriage and divorce, and the unsettled condition of the Indian with reference to our laws and the jurisdiction of our courts. Still nothing has been done.

Our present Indian laws are substantially as they were enacted from 1813 to 1849, except that the exclusive power over marriage and divorce was conferred on the peacemakers' courts of the Allegheny and Cattaraugus reservations by Chapter 374, Laws of 1859. Very few of these laws are of a general nature applying to all Indians within the State. The Indians on the Tonawanda, Allegheny and Cattaraugus reservations have peacemakers' courts; the two last named have Surrogates' Courts, and the Tonawandas have not; the peacemakers' courts of the Allegheny and Cattaraugus reservations have exclusive jurisdiction over marriage and divorce, and the Tonawandas have not. The Tuscaroras, Onondagas, St. Regis, and Shinnecocks have no courts of any kind. The power to contract is conferred upon all Indians, and then nullified in the same section by a provision forbidding any person to sue an Indian of the Tonawanda or Seneca nation or Onondaga tribe upon any contract under heavy penalties, leaving the St. Regis, Tuscarora, Oneida and Shinnecock Indians open to such suits. The statute extends the State laws as to marriage and divorce to all Indians, and in the same section excepts those on the Allegheny and Cattaraugus reservations. This report cannot be extended to indicate all these anomalies and contradictions in our present Indian law.

At the present time in the great State of New York, on the Allegheny and Cattaraugus reservations, two ignorant Indians, called peacemakers, may at the request of an Indian release him from his wife, and set her adrift without provision or remedy, and without any trial, except an informal hearing. She may appeal to the Indian Council, but the evidence shows it seldom acts. She cannot have any relief under our laws or in our courts.

It is a piece of patchwork, out of date, and its worst features enacted to suit the whims of certain classes of the Indians. The evidence taken by the various commissions, as well as communications from the better class of Indians who desire some relief from present conditions, show conclusively that the present conditions of the laws is fostering shiftlessness, immorality, and crime upon the reservations, and retarding the development of the Indian toward good citizenship.

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No doubt the failure of the State to take some drastic action heretofore has been because of doubt as to how far the State could extend its laws. Your Committee is convinced that there is nothing to prevent legislation on the part of the State, in practically every instance where the Federal Government has not assumed to legislate. It is remarkable that the Federal Government has never assumed by treaty, or laws, to *govern* the Indians within this State. It has by treaty guaranteed them in the possession of their lands, provided for the punishment of certain crimes of a more important nature, restrained them in their contracts with agents and attorneys respecting collection of claims, etc., but never provided any code of laws governing them. On the other hand, the State has, from its earliest existence, passed laws for their government and control, which have been approved by the courts. In consolidating the laws of this State in 1909, the schedule of laws repealed shows about 160 chapters of Indian enactments running from 1779 to 1902, as repealed; so that the State has always assumed to act, while the Federal Government, for over a hundred years, has been content to withhold such action for the Indians of this State.

Ordinary justice requires that the Indian should be recognized in our Constitution, that he be guaranteed the protection of our laws and the process of our courts to enforce his rights. Experience shows that legislatures shift the responsibility to Committees of Investigation or to Congress, and when the Federal Government fails to act, as it has always done, the matter is abandoned and forgotten.

The amendment proposed is not intended to affect, nor can it in any way affect, the tribal lands of the Indians, nor does it interfere with the maintenance of their tribal relations. Its object is mainly to insure to the Indians justice among themselves by abolishing the inefficient and often corrupt tribal courts which a few reservations have, and conferring the protection of our State courts upon all alike.

Your Committee has been requested to submit for the information of the Convention a condensed statement of the title and law governing Indian lands and the position of the law as to government of Indians in this State, and for that purpose submits the following:

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INDIAN LANDS IN NEW YORK

The United States never had, and has not now, any title or right to the lands of the Indians in this State. The title, that is, the preemptive right to all these lands was originally vested in either the commonwealth of Massachusetts under the grant to the colony in 1628, or in the State of New York under the grant to the Duke of York in 1664. This title is what has been called the preemptive right — that is, the right to extinguish the Indian title of possession, by purchase or treaty — after which the lands would belong to the State.

In 1786 the State of New York and the commonwealth of Massachusetts, with the consent of the United States, settled their differences, Massachusetts thereby ceding, granting, releasing and confirming to New York forever all its claim, right and title "to the Government, sovereignty and jurisdiction" of the lands claimed by the State of New York; and the State of New York ceding, granting, releasing and confirming to Massachusetts and to the use of the commonwealth, their grantees and the heirs and assigns of such grantees forever, the right of preemption of the soil from the native Indians, and all their estate, right, title and property (the right of title of Government, sovereignty and jurisdiction excepted) in that portion of the said lands which included practically the whole of New York (except a mile along Niagara river) west of a line drawn north and south from a point 82 miles west of the northeast corner of Pennsylvania; together with some other lands between the Owego and Chenango rivers.

Massachusetts then ceded the like preemption right of all other lands claimed in New York to this State, and reserved the right to assign its preemption right to persons who thus would be able to extinguish the Indian title; but purchases from the Indians were to be void unless approved by a superintendent appointed by that State and confirmed by it.

Massachusetts made various transfers of its rights to individuals and associations, and thus has divested itself of these rights, except the right to be represented at any extinguishment of the Indian title; and by contracts made with the Indians by these various assignees, with the consent of Massachusetts, New York and the United States, this preemptive title has been extinguished as to all the lands except those of the Allegheny, Cattaraugus, and

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probably about 1,920 acres of the Tuscarora reservations. The remainder of the Tuscarora lands, 4,329 acres, the Tuscarora nation owns in fee.

The Oneidas own 400 acres of land which they hold in severalty.

The Cayugas now have no lands in the State.

The Shinnecock Indians own 400 acres on Long Island in fee. They are largely a mixed race, few of them being full blood Indians.

The St. Regis Indians have 14,030 acres of land in Franklin County, the title to which is in the State, and the right of occupancy and possession in the tribe.

The Onondaga Indians have 7,300 acres near Syracuse, the title to which is in the State, and the right of occupancy and possession in the tribe.

The Tonawandas have 7,548 acres in the Counties of Erie and Genesee which they purchased, and the title to which is now in the State Comptroller of this State and his successors in office in trust for the tribe.

The Seneca Indians have 30,469 acres on the Allegheny reservation and 21,680 acres on the Cattaraugus reservation, the title to which is in the Seneca nation, subject to the preemptive right of what is popularly known as the Ogden Company, upon the extinguishment of the Indian title.

The foregoing comprise all Indian lands in the State.

The only claim of the United States Government is that as general guardian or protector of all Indians, and its general right to make treaties with them, and under its treaties with the Senecas, no disposition of their lands can be made without its consent. It is therefore impossible for either the State of New York, the Indians themselves, the owners of the preemptive right, or all three combined to dispose of these lands without the consent of the United States. The extension, therefore, of the general State laws, and jurisdiction of the State courts over the Indians would have no effect upon these tribal lands.

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Government of Indians of New York

The United States, first treating Indians as foreign nations, then as dependent nations, within its borders, made treaties with them until 1871, when by an act of Congress it forbade recognition of them as an independent nation with whom treaties could be made.

Act of March 3, 1871, Chap. 120. Sec. 2079, Revised Statutes. U. S. v. Kagama, 118 U. S. 375.

Prior to this, the only treaties made by the United States with New York Indians were for the purpose of insuring peace, settling boundary lines, and guaranteeing them and their posterity in the possession of certain lands, or consenting to the disposition of parts thereof. No treaty contains any provision for government of the Indians except that in the treaties of 1789 and 1795 with the Six Nations provisions was made for surrender and punishment in cases of robbery, murder, etc.

The United States has never passed any laws for the government of Indians in New York except such as are of general application to all Indians, and there appear to be only two or three of these. One provides the method by which contracts made by an Indian for services relating to claims for lands and moneys due from the United States shall be made (U. S. Stat. Sec. 2103) and another is an amendment to the Penal Laws (Chap. 321, U. S. Laws of 1909) which provides for punishment and jurisdiction in case of certain crimes of Indians against the person or property of another Indian within the limits of any reservation, viz: murder, manslaughter, rape, assault with intent to kill, assault with a deadly weapon, arson, burglary and larceny.

This statute was before our Court of Appeals in People ex rel. Cusick v. Daly, 212 N. Y. 183, where it was held that as the Federal Government has chosen to legislate on this subject it controlled and excluded State legislation on the same subject. In this case the court seems to assume "that, in the absence of Federal legislation, the State has most ample power to legislate for the Indians within its borders." This is undoubtedly true because the United States Constitution nowhere prohibits it except as to treaties and regulations of commerce with the Indians. The

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only other restriction is the right claimed by the Federal Government as guardian to legislate for their protection. The various State courts so construe the rights of the State, as witness Farrington v. Wilson, 29 Wis. 383, Smith v. Smith, 140 Wis. 599, holding that State courts have jurisdiction to appoint guardians of Indians though belonging to a distinct tribe. Also, Stacy and another v. Le Belle, 99 Wis. 520, that State courts have jurisdiction of a contract in favor of a white man against an Indian belonging to a tribe and a particular reservation. This last case enumerates the cases in which a State may act in the absence of Federal legislation. See also, holding the same, 122 Ind. 541, (7 L.R.A. 782.)

Our courts hold that where jurisdiction is not conferred on peacemakers' courts, our courts have jurisdiction.

Terrence v. Gray, 165 A. D. 636; Matter of Printup, 121 A. D. 322; Peters v. Tallchief, 121 A. D. 309.

Also that our laws of descent and distribution apply to Indians.

Hatch v. Luckman, 155 A. D. 765.

Our own Indian law provides that State courts have jurisdiction where it is not conferred on peacemakers' courts. Art. 2, Section 5. Indian Law.

It also provides that Indians are liable on contracts not prohibited by law, but immediately forbids any action on a contract against any Indian of the Seneca or Tonawanda nation, or Onondaga tribe, though making no such provision for the Tuscaroras, St. Regis, Shinnecock, or any other tribe.

It also provides that the State laws as to marriage, annulment, and divorce apply to Indians, and that the State courts have jurisdiction; and then confers these powers exclusively, on peacemakers' courts of the Allegheny and Cattaraugus reservations only, probably granting these unusual powers to them because they are the least civilized of all the Indians in the State. Even the Tonawandas who have peacemakers' courts, have no jurisdiction over marriage and divorce, and none of the other tribes have any kind of courts. While no State law has provided for Surrogates' courts among them, the Senecas of the Cattaraugus and

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Allegheny reservations have erected Surrogates' courts which probate wills and distribute estates. The other laws are of minor importance, and except for abolishing their so-called courts would not be interfered with by the amendment proposed. The general laws would not interfere in any way with tribal relations, nor management of tribal affairs.

That the State has power to govern Indians was decided many years ago by the Supreme Court of the United States in construing a New York statute of March 31, 1821, providing for removal of persons from Indian lands.

The court says: "The statute in question is a police regulation for the protection of the Indians from intrusion of the white people, and to preserve the peace. It is the dictate of a prudent and just policy. Notwithstanding the peculiar relations which these Indian nations hold to the government of the United States, the State of New York had the power of a sovereign over their persons and property so far as it was necessary to preserve the peace of the commonwealth, and protect these feeble and helpless bands from imposition and intrusion. The power of a State to make such regulations to preserve the peace of the community is absolute, and has never been surrendered." People v. Dibble, 21 Howard (U. S.) 366–371.

The United States Supreme Court seems to have settled the respective powers of the Federal and State courts and the power of a State court to act in the absence of Federal legislation in The Minnesota Rate Cases, 230 U. S. 352 et seq.

At page 399, the Court says:

"It has repeatedly been declared by this Court that as to those subjects which require a general system or uniformity of regulation the power of Congress is exclusive. In other matters, admitting of diversity of treatment according to the special requirements of local conditions, the States may act within their respective jurisdictions until Congress sees fit to act; and when Congress does act, the exercise of its authority overrides all conflicting State legislation." And at page 402, after stating the nature of the legislation necessarily reserved exclusively to Congress, the Court farther says,

"But within these limitations there necessarily remains to the States, until Congress acts, a wide range for the permissible exercise of power appropriate to their territorial jurisdiction although

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interstate commerce may be affected. It extends to these matters of a local nature as to which it is impossible to derive from the constitutional grant an intention that they should go uncontrolled pending Federal intervention." * * * "Where the subject is peculiarly one of local concern, and from its nature belongs to the class with which the State appropriately deals in making reasonable provision for local needs, it cannot be regarded as left to the unrestrained will of individuals because Congress has not acted, although it may have such a relation to interstate commerce as to be within the reach of the Federal power. In such case, Congress must be the judge of the necessity of Federal action."

For the Committee,
JAMES P. LINDSAY.

Mr. Marshall moved to reconsider the vote by which the report of the Committee on Corporations in regard to proposed amendment (No. 122, Int. No. 122) entitled "Proposed constitutional amendment to amend Section three of Article VIII of the Constitution, relative to cumulative voting by shareholders of stock corporations at all corporate elections," was agreed to and that that motion lie upon the table.

Mr. President put the question whether the Convention would agree to said motion to lay upon the table, and it was determined in the affirmative.

Mr. President announced the General Orders.

The Secretary called the calendar and three propositions being moved the Convention resolved itself into a committee of the whole and proceeded to the consideration of general orders, being the Proposed Amendments entitled as follows:

"Proposed constitutional amendment to amend Section one of Article IX of the Constitution, in relation to the supervision and control by the State of the education of children." (No. 749, Int. No. 698.)

"Proposed constitutional amendment to amend the Constitution

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by inserting a new article, in relation to taxation.". (No. 756, Int. No. 679.)

After some time spent therein, the President resumed the chair and Mr. M. J. O'Brien from said committee reported progress and asked leave to sit again.

Mr. President put the question on granting leave to sit again and it was determined in the affirmative.

On motion of Mr. Wickersham, the amendments offered in the committee of the whole to proposed amendments Nos. 749 and 757 by Mr. J. G. Saxe were ordered printed on the calendar.

Mr. Mulry was excused on account of illness in his family.

Mr. Reeves was excused from the sessions of Friday and Saturday of this week and Monday and Tuesday of next week.

Mr. Cole was excused from the sessions of Monday, Tuesday and Wednesday next.

Mr. Blauvelt was excused for the remainder of the week.

On motion of Mr. Wickersham, the Convention adjourned.

FRIDAY, JULY 30, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. Spencer S. Roche, Garden City.

On motion of Mr. Wickersham, the journal of Wednesday, July 28th, was approved.

The President presented the resolutions adopted by the city officials of the city of Utica, which were referred to the Committee on Cities.

Also, the response of the Superintendent of Public Works to the resolutions of the Convention asking information concerning the expenses of the Bureau of Claims, which was referred to the Committee on the Judiciary.

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Mr. Tanner offered for the consideration of the Convention a resolution, in the words following:

Resolved, That Charles H. Clark be and hereby is appointed drafting clerk to the Committee on Revision and Engrossment at a compensation of ten dollars per day, said appointment to date from Tuesday, August 3, 1915.

which was referred to the Committee on Contingent Expenses.

Mr. R. B. Smith offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Revision and Engrossment be discharged from the further consideration of proposed amendment (No. 734, Int. No. 291) entitled "Proposed constitutional amendment to amend Article III and Section four of Article IV of the Constitution, in relation to extraordinary sessions of the Legislature and the Assembly."

which was agreed to.

Said proposed amendment having been announced, on motion of Mr. R. B. Smith, the same was amended as follows:

Amend the title as follows:
Strike out "extraordinary" and insert "voluntary".
Page 1, line 4, after "motion" insert in italics "in the manner to be provided by continuing joint rule".
Page 1, line 7, after "motion" insert in italics "in the manner to be provided by continuing rule".

Ordered, Reprinted and recommitted to said committee.

Mr. R. B. Smith offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Cities be discharged from the further consideration of proposed amendment (No. 721, Int. No. 254) entitled "Proposed constitutional amendment to amend Section one of Article XII of the Constitution, in relation to the delegation by the Legislature to cities and villages of power of local legislation."

which was agreed to.

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Said proposed amendment having been announced, on motion of Mr. R. B. Smith, the same was amended as follows:

Amend the title by striking out "the delegation by the Legislature to"; also by striking out "of power of local legislation".

On page 1, line 4, after "cities and" insert a bracket.

Page 1, line 5, before "villages" insert a bracket.

Page 1, line 5, after "Villages" insert a period and a bracket, and after "villages and" strike out the bracket.

Page 1, line 5, after "villages and to" strike out the balance of line, and all of lines 6, 7 and 8, and insert in italics the following: "subject to the provisions of this Constitution and general laws of the State applicable to all cities or to all cities of a class as hereinafter defined, by general or local laws delegate to cities for exercise within their respective local jurisdictions such of its powers of legislation as to matters affecting them as it may, from time to time, deem expedient. Subject to the provisions of this Constitution and general laws of the State the Legislature shall delegate to all cities exclusive power to fix the terms of office of employment of all city officers and employees and the salaries or compensation during service of all city officers and employees except judicial officers and members of local authorities having general power to determine salaries or compensation of city officers and employees."

Page 1, line 9, before the word "shall" insert in italics "the Legislature".

Page 1, line 9, after "restrict" insert a bracket; also after "their" insert a bracket and insert in italics "the".

Page 1, line 10, after "loaning" insert a bracket, also after "their" insert a bracket.

Page 1, line 10, after "credit" strike out the comma and insert in italics "of cities and villages".

Ordered, Reprinted and recommitted to said committee.

Mr. Wood offered for the consideration of the Convention a resolution, in words following:

Resolved, That Harmon J. Norton be granted a leave of absence for ten days with pay on account of illness contracted in the service of the State.

which was referred to the Committee on Contingent Expenses.

Mr. Dow, from the Committee on Conservation, to which was referred several proposed amendments in relation to conservation

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of forest lands, reports by proposed amendment entitled "Proposed constitutional amendment to insert in the Constitution a new article in relation to the conservation of natural resources" (Int. No. 708), which was read twice and said committee reports in favor of the passage of the same, which report was agreed to, and said proposition ordered printed and referred to the Committee of the Whole.

The Committee on Conservation of Natural Resources herewith presents the following reasons in support of its report:

The Committee was called upon to consider two basic questions: First, the determination of the policy of the State in respect to the preservation of its Forest Preserve; and second, the administration of all the natural resources of the State, free from political interference.

In respect to both of these fundamental propositions and to the numerous incidental propositions that have been presented to it, the Committee has held public hearings and executive sessions; has fully considered all amendments referred to it, and all suggestions made to it; and, after thorough deliberation, has reached the conclusions embodied in its report.

The propositions submitted to the Committee on Conservation, and from which they have drawn suggestions, were as follows:

Pr. No. 10, Int. No. 10, proposed by C. H. Young.
Pr. No. 25, Int. No. 25, proposed by J. S. Whipple.
Pr. No. 37, Int. No. 37, proposed by R. B. Smith.
Pr. No. 71, Int. No. 71, proposed by C. H. Young.
Pr. No. 84, Int. No. 84, proposed by E. N. Smith.
Pr. No. 129, Int. No. 129, proposed by H. L. Austin.
Pr. No. 154, Int. No. 154, proposed by W. B. Dunlap.
Pr. No. 208, Int. No. 207, proposed by A. P. McKean.
Pr. No. 220, Int. No. 219, proposed by G. H. Bunce.
Pr. Nos. 128-247, Int. No. 128, proposed by H. L. Austin.
Pr. No. 299, Int. No. 295, proposed by W. P. Bannister.
Pr. No. 316, Int. No. 312, proposed by A. J. Baldwin.
Pr. No. 375, Int. No. 370, proposed by Charles M. Dow.
Pr. No. 382, Int. No. 375, proposed by A. J. Baldwin.
Pr. No. 445, Int. No. 433, proposed by Ferris J. Meigs.
Pr. No. 450, Int. No. 438, proposed by G. E. Greene.
Pr. No. 492, Int. No. 480, proposed by Charles M. Dow.
Pr. No. 584, Int. No. 569, proposed by E. M. Angell.

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Pr. No. 585, Int. No. 570, proposed by E. M. Angell.
Pr. No. 586, Int. No. 571, proposed by E. M. Angell.
Pr. No. 647, Int. No. 631, proposed by T. A. Leary.

The Forest Preserve.— As to the policy of the State in respect to the Forest Preserve, your Committee adopts the following language of the report of David McClure for the Committee on Forest Preserves, made to the last Constitutional Convention, under date of August 23, 1894, and reading in part as follows:

> "That your Committee has reached the conclusion that it is necessary for the health, safety and general advantage of the people of the State that the forest lands now owned and hereafter acquired by the State, and the timber on such lands, should be preserved intact as forest preserves and not under any circumstances be sold."

Your Committee thus reports the present language of section seven of article seven of the Constitution relating to the preservation of the forest preserve as wild forest lands, with the exceptions that it recommends that the Department of Conservation be "empowered to reforest lands in the Forest Preserve, to construct fire trails thereon, and to remove dead trees and dead timber therefrom for purposes of reforestation and fire protection solely; but shall not sell the same". This exception, in the opinion of the Committee, will prepare for reforestation and more adequately protect the State forests from destruction by fire.

Administration.— In determining the question of administration, your Committee was called upon to deal with considerations which are peculiar to the question of conservation. It seemed necessary that your Committee should provide for continuity of policy and freedom from political control, which in their opinion is indispensable to proper management of the forest preserve. They deemed that these ends could best be secured by an unpaid board which, from the nature of the work and the opportunity for State service it offers, would attract to it men of a type whose services no salary could secure. Such a board will be deliberative in function, and will shape the policy of administering the natural resources of the State, in response to public sentiment, and for the best interests of the State as a whole.

By appointing commissioners for overlapping terms of nine years, and providing that they can only be removed by the Governor on charges, permanency of personnel and continuity of policy are secured.

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By specifying that each judicial district in the State shall be represented on this board, every portion of the State has its spokesman, and as a consequence, the people as a whole will feel that their voice may be heard, and thus public confidence and support will be better guaranteed.

Extensive reforestation is provided for, in order that the large tracts of State-owned land, now bare, may be reclothed with forests, to the improvement of the water holding capacity of the soil and the enhancement of the Forest Preserve as park and recreation ground.

The practice of forestry throughout the State is encouraged and the department given discretionary power to promote forest management upon the large areas unsuited to agriculture.

The purchase of additional lands within the Blue Lines which bound the forest parks within the Forest Preserve, is not only recommended, but a plan for securing funds for such purchases is provided. Systematic purchasing of lands within the Blue Lines would consolidate the present holdings, making administration more economical, and at the same time, secure control of lands upon whose forest cover depends the regular flow of our most important streams, and insure perpetuation of the water supply of the State and its municipalities.

By making it possible, if deemed advisable, to extend the fire protection system to include the entire State, your Committee feels that it is providing for the safety of forest lands. Most sections of the State have suffered heavily in the past from forest fires through lack of an efficient protective organization. In such cases, this department may, at the solicitation of citizens or acting upon its own discretion, install a local State fire warden for the purpose of preventing and suppressing such forest fires.

Concerning the regulatory powers of this department, your Committee deems it advisable to empower it to enact the necessary rules and regulations concerning fish, game, birds, shellfish and crustacea, subject to the veto of the Governor. This power should not only lighten the load of the Legislature to a considerable extent, but also result in less confusion and better co-ordination of the fish and game laws, with increased efficiency and equity.

Regarding the personnel, civil service regulations are to be enforced, with the exception of the superintendent, emergency employees and laborers.

The existing provision permitting the use of three per cent. of the Forest Preserve for water storage purposes is retained without any change whatever, as is the provision that any citizen

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may bring an action for violations of the provisions of this article (the final clause of section seven).

To avoid inflicting hardships upon communities and individuals who have for years occupied lands now belonging to the State, the Department of Conservation is given discretionary power to issue licenses to occupants of that class. These licenses are revocable and are limited to cases where occupancy commenced before December 1, 1909, and to permanent residents.

The final change to be mentioned is the one whereby the City of New York may use for water supply purposes three small specified tracts owned by the State in Greene and Ulster counties. Such use is felt to be of necessity to the city, and by clearly specifying the parcels in question, no extensive easements are granted.

(Signed):

1. Charles M. Dow
   Chairman
2. Edward N. Smith
3. George Clinton
4. Louis Marshall
5.
6. Rush Rhees
   (Reserving right to dissent to mandatory appropriation.)
7. Olin H. Landreth
   (Reserving the right to dissent to the limitations placed on the powers of the commission.)
8. Ferris J. Meigs
   (Except for the too narrow limitations placed on some of the discretionary powers of the department, I approve.)
9. H. Leroy Austin
   (But dissenting as to the nine-headed commission and mandatory appropriation, for reasons which I will state.)
10. Wm. P. Bannister
    (Reserving right to dissent to mandatory appropriation.)
11. Edward M. Angell
    (Being in favor, however, of broader powers in the Commission.)
12. W. Barlow Dunlap

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13. Arthur J. Baldwin
(Reserving the right to dissent to mandatory appropriations.)
14. M. J. O'Brien
15. Timothy A. Leary
16. George A. Blauvelt
(Reserving right to dissent.)
17. John G. Saxe

The majority report is signed by all the members of the Committee, except Mr. Whipple.

Messrs. Dow, Smith, Clinton, Marshall, Dunlap, O'Brien, Leary, and Saxe sign without restriction.

Messrs. Landreth, Meigs and Angell reserve the right to dissent as to the limitations placed upon the powers of the department.

Messrs. Rhees, Bannister, Austin and Baldwin reserve the right to dissent from the provision for a mandatory appropriation, and Mr. Austin also from the form of administration.

Mr. Angell presented the following majority report:

SUPPLEMENTAL STATEMENT RELATING TO THE RESTRICTIONS PLACED ON THE DISCRETIONARY POWER OF THE CONSERVATION DEPARTMENT AS PROPOSED BY THE COMMITTEE ON CONSERVATION OF NATURAL RESOURCES

The undersigned members of the Committee on Conservation of Natural Resources, while in hearty accord with all the provisions of the majority report, disagree with the conclusion of the majority of the Committee that none of the restrictions of use in the present constitution should be relaxed. We believe that the limitations in the majority report are too restricting in their effect upon the operations and do not offer an opportunity for the proper development of the State's natural resources.

The committee has reported a plan for the organization of the department along lines which should insure continuity of purpose, free from partisan control, by men of high character, whose sole purpose will be to serve the best interests of the State in the preservation, the development and enhancement in value of its natural resources. We believe that they should be entrusted by the people with the duty and the power to work out the problems before them, and to that end they should be given greater latitude under the Constitution — a latitude which will enable them to exercise their discretion in many particulars upon important

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questions of policy. The majority seem to believe in prohibition of use. We believe in protection and conservation, and conservation is not prohibition. We favor making provisions in the constitution which will permit, under rules and regulations to be fixed by the Conservation Department, the following:

I. The building of highways in the Forest Preserve.

II. The leasing of camp sites of limited area for limited periods on restricted portions of the Forest Preserve.

III. The sale by the State of lands in the Forest Preserve outside of the Adirondack and Catskill parks, except the land contiguous thereto and the islands in and the lands adjacent to Lake George.

IV. The classification of the lands of the State in the Adirondack and Catskill parks into two areas, one of which shall be forever held as wild forest lands, and which shall include the lands upon the mountain tops and the lands in and around the lakes and major streams, and such other lands as for any reason the Commission shall determine should be so classified; and the second area to include all the other lands of the State within said parks, with a provision that the Conservation Department may cut, sell, and remove any part of the timber thereon which is mature or detrimental to forest growth, in accordance with the principles of scientific forestry, and for the purpose of increasing the growth of the forests. Such lands, however, to be forever kept as forest lands and the forest cover thereon to be maintained and perpetuated.

Our reasons for desiring to incorporate the foregoing provisions in the Constitution are as follows:

I. Under the provisions of the present Constitution and under the proposed amendment proposed by the majority of the Committee it is impossible to build highways in the Adirondacks or Catskills through or upon the lands of the State. These lands are owned by the people and should be made accessible to them so that they may more easily go there for health and recreation. The forests should not be locked from access to the majority of the people of the State. Such highways would, in addition, furnish the best possible fire protection because they would be broad fire lanes and besides would enable the forest rangers quickly to reach the locality of the fire and extinguish it before it has acquired headway.

II. The leasing of camp sites should be permitted for largely the same reasons. The Adirondacks and Catskills should be opened to the use of the people of the State by leasing to them camp sites of a limited area and for a limited time. This would not only be a means of substantial revenue to the State but would furnish during the time most needed a fire fighting force. Fires

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are less frequent where camps are occupied, for camp site lessees would become interested in seeing that no fires devasted their camps, and they would thereby furnish a great protection to the property of the State.

III. The State owns about 250,000 acres outside the Adirondack and Catskill parks in isolated areas where they serve no useful purpose but are a constant and increasing expense to the State. The Conservation Commission and practically every organization and individual in the State interested in this subject, have, for many years, advocated the sale of these lands and the devotion of the proceeds, estimated to be not less than $1,000,000 to the purchase of other lands within the Adirondack and Catskill parks.

IV. Lands in the Adirondack and Catskill parks should be classified by the Conservation Department into areas as above outlined, one of which should be held as wild forest land, and the other as utilization forests.

The State owns approximately 1,800,000 acres in the Forest Preserve, an area larger than the State of Delaware and about half the size of Connecticut. It is fair to say that 1,250,000 acres of this area are covered by heavy forest growth. The average annual growth is estimated by competent authority to be 200 feet per acre, or an aggregate annual wood crop of 250,000,000 feet of lumber, worth approximately $1,000,000. This is now an absolute economic loss to the State, for an amount equal to the annual growth annually falls from decay and its value is gone forever. Under proper forest management the annual growth could be taken each year and still the necessary forest cover maintained. This would mean the removal annually of not over two per cent. of the trees standing on the lands. The growth and quantity of forest trees would be increased, and the value of the Forest Preserve for water storage purposes be undiminished. If the part to be set aside in the first area to be forever held as wild lands on which no cutting should be allowed, be estimated at one-third to one-half of the whole area the above estimate would be decreased to $500,000 — the amount asked for annually by the Committee. The carrying charges of the Forest Preserve are not less than $365,000, exclusive of the interest on the amounts paid by the State for these lands.

The Conservation Department has for years advocated a change in the Constitution which would make unnecessary this vast economic waste. The platform of the Republican and Democratic parties for the year 1914, upon which platforms all the delegates to this Convention were elected, demanded a change. The Camp Fire Club of America, The Association for the Protection of the Adirondacks, the Empire State Forest Products

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Association, the Committee of Engineers, representing national and local professional engineering societies, and many other associations and individuals having knowledge of the subject, and no personal interest, have advised a procedure similar to that here advocated. The Legislature of the State at its last two sessions has passed a concurrent resolution as a proposed constitutional amendment, as follows:

"The prohibition of section seven shall not prevent the cutting or removal of mature, dead, or fallen timber or trees detrimental to forest growth, on lands constituting the Forest Preserve, nor the leasing of camp sites and the construction of roads and trails necessary for protection against fire, and for ingress and exit. The Legislature may authorize the sale of lands outside the limits of the Adirondack park and the Catskill park as such parks are now established by law. The proceeds of such sales of lands shall be set apart in a separate fund and used only for the purchase of lands or for reforestation in such parks."

The third annual report of the Conservation Commission for the year 1913 says: "Nearly all the merchantable material in a forest is contained in a few of the larger trees. The larger trees are but a small proportion of the whole stand, therefore, their removal does not injure the forest cover. The purpose could be best accomplished by classifying the Preserve into areas which should be maintained as protective forest and into other areas which could be used for wood production. The former would include mountain tops, steep slopes, or other places where it might be difficult to maintain the forest cover, and which should not therefore be lumbered. The latter would include the lower and more level sections where operations could be profitably conducted without injuring the forest cover, leaving, however, belts around lakes and other places where the aesthetic or camping interest was more important than the commercial."

This method also has the endorsement of Henry D. Graves, Chief Forester of the national preserve, and an authority of the highest standing, who in a letter to the chairman of the Conservation Commission under date of July 18, 1915, wrote in part as follows:

"Undoubtedly considerable parts of the Adirondack Preserve should be retained as pristine forests for the recreation and esthetic enjoyment of the people. I believe, however, that it would be equally unfortunate for the Constitution to prevent the people of the State from carrying out, after expert advice and public consideration, a policy of practical forest management on certain parts of the Adirondack lands or any other lands owned by the

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State where it is determined to be the highest use which can be made of that particular portion of the public holdings."

This is likewise the method proposed by the head of the New York State Forestry colleges at Syracuse and Cornell in numerous letters, and in testimony before the committee at its public hearings. It is also the method by which the Japanese government manages its forests, as stated by Mr. Nokai, a director of the natural forests of Japan, now on a visit to this country.

The last Democratic state platform, adopted in the year 1914, contains the following language:

"The Constitution, in relation to the preservation of forests, should be so amended as to permit a profit to the State, to be derived from the scientific preservation and cultivation of our forest lands, at the same time protecting them against exploitation by private interests."

The Republican State platform, adopted at the time the Republican delegates-at-large to this Convention were nominated, contains the following upon this subject:

"We favor conservation and utilization of the State's forests and waters under conditions which will safeguard the rights and interests of the State. The holdings by the State of forest lands should be enlarged and adequately protected against fire and waste."

Gifford Pinchot in a letter to the Chairman of this Committee under date of July 7, 1915, wrote in part as follows:

"I am in favor of a constitutional provision which will permit the cutting of timber, not only dead and down, but mature and ripe, in the Adirondacks, as perhaps you know, and I am enclosing herewith a report made to the Camp Fire Club in 1911, which deals with the matter."

The Empire State Forest Products Association, at a meeting held in Utica November 12, 1914, recommended that — "The Constitution should be so amended that the Legislature may provide:

(1) For the sale of mature, dead and down timber being and standing in the Forest Preserve, as now or hereafter constituted, and for the removal of timber so sold in accordance with the principles of scientific forestry.

(2) To sell the lands in the Forest Preserve outside the Adirondack and Catskill Parks.

(3) To lease camp and cottage sites in the Forest Preserve.

(4) To provide for the construction of roads, trails and fire lines or lanes in the Forest Preserve.

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(5) To set apart the proceeds of the sales of lands and all other net revenue from the Forest Preserve in a fund, to be used only for the purchase of lands in the Adirondack and Catskill Parks, for the reforesting of lands owned by the State in said Parks and for such other purposes for the benefit of the Forests in said Parks as the Conservation Commission shall provide.

(6) To raise funds sufficient to continue the acquisition of forest lands and lands suitable for growing forests not belonging to the State within the Adirondack and Catskill Parks."

The Association for the Protection of the Adirondacks, and the Camp Fire Club of America, by their sub-committees, at a joint meeting held in New York City July 16, 1914, voted in favor of the following proposed amendment to the Constitution:

> " The prohibition of Section 7 shall not prevent the cutting or removal of [mature] dead or fallen timber or trees, detrimental to forest growth on lands constituting the Forest Preserve, nor the leasing of camp sites, nor the construction of roads and trails necessary for protection against fire and for ingress and egress. The Legislature may authorize the sale of lands outside the limits of the Adirondack Park and of the Catskill Park as such Parks are now established by law."

In an editorial in the July, 1915, number of "American Forestry", the official organ of the American Forestry Association of which Dr. Drinker, President of Lehigh University, is president, the following is stated:

> " The prejudice against cutting of green timber is deeply ingrained in the minds of New York citizens, due to distrust of her politicians. The situation demands the complete elimination of politics from the management of the State forest lands. Should the Convention be able to accomplish this, they need no longer hesitate to permit cutting. On the Minnesota National Forest, the timber around the shores of the lakes and other points accessible to the public is preserved and protected although the Forest Service has the technical right to cut and remove it. Areas of especial value can be so classified, and preserved in their primitive condition. The remaining areas, unaccessible to the public, can be logged by methods which preserve the forest cover, secure reproduction and prevent waste from decay. These methods have been fully demonstrated on the National Forests. Must New York, through timidity, close her eyes to progress, and either lock up her forest resources, or imperil them with ill-considered half measures? Now is the time for the State to establish a sane and orderly administration which will bring

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the Adirondack forests to a plane equal to that of the wonderful Black Forest of Germany, which while serving as the recreation ground for the entire region, supports hundreds of villages and thousands of persons dependent entirely on the forest industries for their existence."

The New York Evening Mail in its edition of July 27, 1915, in an editorial entitled "Tying Up the State Forests", states its opinion of the report favored by the majority of this Committee in the following words:

"The Convention's Committee on Conservation has decided to recommend the continuance of the present constitutional prohibition against any attempt at scientific forestation of the lands of the State. No timber is to be cut on the State lands except what is dead or fallen. The construction of roads in the Forest Preserve will be forbidden, as well as the future leasing of camp sites.

"The whole cause of forestry, and to that extent of conservation, has been greatly and stupidly hindered in this State by the inability under which the State authorities rest to make any economic or scientific use of any part of the State's forests, even as a matter of experiment, instruction or example.

"The simple fact is that the Adirondack forests are not considered by our sapient legislators to be the property of the people, but of the rich 'camp' owners and club men who go up there to enjoy themselves in a luxuriant manner in the summer and to shoot deer and other game in the autumn. For their purposes the forest seems well enough in its roughest condition. Scientific forestation makes no appeal to them whatever.

"We have a chance in the State of New York for almost as great a development of our forest wealth as has taken place in the empire of Germany. The central portion of our two great mountain ranges contains 7,200,000 acres, which is under nominal fire protection. The State-owned Forest Preserve consists of 1,825,852 acres, to which it is proposed to add largely. But none of this land is under forest management; this, as we have said, is already forbidden by the Constitution. In the meantime we are prevented by the selfish caprice of a few millionaires from realizing so desirable a thing as that which is seen in Prussia, where the 6,700,000 acres of State forest yield a net annual income of $20,500,000, without any deterioration of the forest whatever."

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These are but a few of the many authorities which might be referred to which indicate conclusively the error which will be made by this Convention if it perpetuates and still further limits the already too narrow policy in the care, use, and development of the Forest Preserve, of which the majority of the Committee is in favor. True conservation does not consist in locking up our resources where the wealth therein contained must be forever lost, but in the utilization of these resources under wise regulation.

EDWARD M. ANGELL.
OLIN H. LANDRETH.
FERRIS J. MEIGS.

Mr. Whipple presented the following minority report:

MINORITY REPORT FROM THE COMMITTEE ON CONSERVATION OF NATURAL RESOURCES, AND REASONS THEREFOR

The undersigned, a member of the Committee on Conservation of Natural Resources, disagreeing with the Committee's report in several, separate and distinct particulars, makes the accompanying minority report setting forth the reasons for disagreeing and in what particulars the majority report should be amended, and asks that this dissent and minority report be placed on the General Orders calendar and considered in connection with the majority report in the Committee of the Whole.

Some of the reasons that impel a disagreement with the majority of the Committee, are as follows:

1. On the question of the administrative features intended to be provided for by the proposed constitutional amendment reported by the majority of the Committee, it is believed that the plan so proposed by the Committee, which is for an unpaid board of nine members, is not justified by experience, will be unworkable, will prove inefficient and be a detriment to the public service.

It is also believed that the class of men, who will from necessity be selected as members of such a board, will be men of wealth, whose business interests require nearly all of their time and attention. That they, or many of them, will have little or no actual knowledge of the subject matter to be under their control, and no time or disposition to give it the constant, daily attention this intricate, many headed, difficult problem that is bounded by the limits of the State, demands.

That the conflicting opinions of the members of this large board, based upon insufficient knowledge will result in inaction and in the end will not produce good results.

The whole history of the department for more than twenty-five

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years, establishes the fact that such undesirable results follow when more than one man has been at the head of the commission. The large commissions have always been inefficient, and made little or no progress, responsibility has not been centered and they have never worked well.

The State has tried a commission of seven, then one of four, then one of three, then one of five, then one of four, then one of three, then a single commissioner, which form was continued until 1911, when a return was made to a three headed commission and after again trying that plan for four years we are back to a single headed commission.

An examination of the work in the department will disclose the fact, that there was more constructive work done under a single headed commission from 1903 to 1911, a period of eight years, than there has ever been done in a much longer time by any larger commission.

With this experience and this record it does not seem wise to the dissenting member of the Committee, that the State should again go back to a larger commission and especially when it is to be tied up for twenty years by a Constitution.

Further, the proposal is objectionable because the members of the board are to be asked to give their time, best services and best thought for a long period of years without pay. It sounds fine in theory but to work without pay never has and never will cause men to do their best for a considerable length of time.

It is objectionable because responsibility is not centered. It is objectionable because the Governor does not appoint the superintendent and have power to remove him. In fact such a board is just as objectionable from every standpoint as a like board would be for the Agricultural Department, the Highway Department and many other departments. It would be much like the vermiform appendix in man, useless, and should be cut off.

2nd. The majority proposition makes no provision for roads of any kind through this immense tract of forest land.

A park without roads in the right places, is of much less use to the people than it would be with proper roads.

What would have been thought when Central Park in the City of New York was established, if no roads had been provided for and the commission prohibited from making any?

In time, this wonderful woodland park will be to the people of the whole State what Central Park is to the people of Greater New York.

These parks and playgrounds of the people are for use. Easy and convenient ways should be provided for ingress and egress. Therefore this minority report suggests at least that a State highway may be provided for by the Legislature, running from Old

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Forge northerly along the Fulton Chain of Lakes and thence northerly to connect with some main highway at or near the Saranac Lakes. Such a road would run through the most beautiful part of the Adirondacks, would furnish an acceptable and beautiful way from the southern side to get in and out, and would afford better opportunity for protecting as many as forty miles of woodland from fire.

For these reasons dissent is made to that part of the majority report.

3rd. Inasmuch as the majority report provided that dead trees and timber may be taken out where necessary, for better fire protection and reforestation, but declares such material cannot be used, dissent is made to that proposition because it is not comprehensive enough.

There seems to be no good reason why such material should not be used at least for fire wood for domestic purposes by the resident people, (there are several thousand of such people) some revenue obtained and thereby relieve a bad situation that exists in many places where the people have to pay as much as $14.00 a ton for coal, while millions of cords of stove wood are in sight in dead and down trees, doing no good to any one and in many instances making a dangerous situation and opportunity for more fire.

4th. Dissent is made to that portion of the majority report that provides for permits, ratifying and making legal the occupancy on State land of five or six hundred people, who for years have been occupying the people's property without legal authority and in violation of the provisions of the Constitution. That proposition appears to be a proposed premium on doing wrong and to the exclusion of all those who obey the law and do right. It singles out a special class who have been violating the law, gives them special privileges and excludes all others from enjoying like privileges.

For the foregoing reasons this minority report is made and amendments to the majority report suggested in these particulars, with the hope that the reasons for dissenting are so plain and reasonable, that the Convention will adopt these minority propositions.

J. S. WHIPPLE.

PROPOSED CONSTITUTIONAL AMENDMENT

Article.....

Section 1. The department of conservation shall consist of a single commissioner, appointed by the Governor and subject to removal by him on charges after an opportunity to be heard. The commissioner's term of office shall be six years. His compensa-

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tion shall be fixed by law. He shall appoint and may, at pleasure, remove a deputy commissioner and fix his salary. He may also appoint all necessary subordinates, all of whom, shall be selected from eligible lists from open competitive examination conducted by the Civil Service Commission.

Subject to the limitations in this article contained, the department shall be charged with the development and protection of the natural resources of the State; the encouragement of forestry and the suppression of forest fires throughout the state; the exclusive care, maintenance and administration of the forest preserve; the control, conservation, prevention of pollution, and regulation of the waters of the State; the protection and propagation of its fish, birds, game, shell-fish and crustacea, with the exclusive power, subject to the veto of the Governor, to enact regulations with respect to the taking, possession, sale and transportation thereof, and shall exercise such additional powers as from time to time may be conferred by law.

§ 2. The lands of the state, now owned or hereafter acquired, constituting the forest preserve as now fixed by law, shall be forever kept as wild forest lands. They shall not be leased, sold or exchanged, or be taken by any corporation, public or private, nor shall the trees or timber thereon be sold, removed or destroyed. The Commission is, however, empowered to reforest lands in the forest preserve, to construct fire trails thereon, and to remove dead trees and dead timber therefrom for purposes of reforestation and fire protection solely, but shall not sell the same, except for fire wood for domestic purposes.

§ 3. The legislature may by general laws provide for the use of not exceeding three per centum of such lands for the construction and maintenance of reservoirs for municipal water supply, for the canals of the State and to regulate the flow of streams. Such reservoirs shall be constructed, owned and controlled by the State, but such work shall not be undertaken until after the boundaries and high flow lines thereof shall have been accurately surveyed and fixed, and after public notice, hearing and determination that such lands are required for such public use. The expense of any such improvements shall be apportioned on the public and private property and municipalities benefited to the extent of the benefits received. Any such reservoir shall always be operated by the state and the legislature shall provide a charge upon the property and municipalities benefited for a reasonable return to the State upon the value of the rights and property of the State used and the services of the State rendered, which shall be fixed for terms of not exceeding ten years, and be readjustable at the end of any term. Unsanitary conditions shall not be created or continued by any such public works.

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§ 4. The legislature may authorize the use by the city of New York for its municipal water supply of certain lands now belonging to the State located in the townships of Hurley and Shandaken in the county of Ulster and in the township of Lexington in the county of Greene, for just compensation.

§ 5. The legislature shall, for twenty years from and after the adoption of this Constitution, provide annually by bond issue or otherwise, the sum of not less than $500,000 for the purchase of real property within the Adirondack and Catskill Parks, the reforestation of lands, and the making of boundary and valuation surveys. Such funds shall be expended by the Department of Conservation on the approval of the Governor.

§ 6. The legislature may provide for the construction of the State highway from Old Forge along the Fulton Chain of Lakes and thence to connect with a highway at or near the Saranac Lakes.

§ 7. A violation of any of the provisions of this article may be restrained at the suit of the people, or with the consent of the Supreme Court in Appellate Division, on notice to the Attorney-General at the suit of any citizen.

Mr. Austin presented the following minority report:

MINORITY REPORT AS TO THE PROPOSED CONSERVATION ARTICLE

With the general policy proposed by the Conservation Committee as to the preservation of the State's natural resources I am in entire accord; it is only with the methods by which it proposes to carry out this general policy that I am at variance.

I dissent from the proposal for a nine-headed unpaid Conservation Commission for the reasons stated by Delegate Whipple in the minority report, submitted by him, and for the further reason that I have very grave doubts as to the advisability of giving these nine unpaid commissioners the absolute power, subject only to executive veto, to make the fish and game laws for the State.

I well realize the many inconsistencies which have arisen from the multitude of fish and game laws enacted by the Legislature, and I think the Conservation Department should have much discretion delegated to it in the matter of protecting wild life, but we are going too far when we say that the Legislature shall be deprived of even a reserve power over this subject.

I also dissent from that part of the majority report which would place in the Constitution a provision commanding the Legislature to appropriate at least five hundred thousand dollars annually for the purchase of lands, reforestation, the making of surveys, etc.

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The proposal to appropriate specific sums of public money by a constitutional provision, operative for twenty years in the future, does violence to all our accepted principles of State finance, and seems to be indefensible from any view point. It may well be proper for the Constitution to declare that sufficient moneys be provided by the Legislature to carry out the State policy as to conservation therein enunciated, as has been done with reference to canals by Section 9 of Article VII of the present Constitution; but to command the Legislature to appropriate half a million of dollars for twenty years to come, regardless of conditions, which are sure to change, and of variations in the State revenues and expenditures which are bound to occur, is an entirely different proposition.

It is my personal belief, based upon my own experience, that an annual appropriation of the sum suggested will be desirable for many years to come, but the appropriation of money to carry out the State's activities is essentially a legislative function, not that of a Constitution. The necessities of one State department must be considered in connection with the needs in other directions and the probable revenues; these cannot be absolutely determined five, ten or twenty years in advance. Therefore, having defined the general policy which we believe the State should pursue, it seems that we should go no further, for we must assume that the Legislature will provide the funds necessary to carry out that policy, if consistent with the other demands upon the public treasury. Unless this be true our entire theory of the administration and control of State finance should be discarded.

H. LEROY AUSTIN.

Mr. President announced the General Orders, none of which were moved.

At eleven o'clock A. M., on motion of Mr. Wickersham, the Convention took a recess of thirty minutes.

ELEVEN O'CLOCK AND THIRTY MINUTES

The Convention again convened.

Mr. D. Nicoll, from the Committee on Rules, presented the following report:

(1) That proposed amendment No. 758, General Order No. 35, be made a special order for Thursday, August 5th.

(2) That proposed amendment Int. No. 708, General Order No. 44, be made a special order for Friday, August 6th.

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(3) That proposed amendment No. 754, General Order No. 25, be made a special order for August 11th.

(4) That after the evening of Monday, August 2nd, the Convention sit from 10 A. M. to 1 P. M., from 2:30 P. M. to 5:30 P. M., and that on the morning of Saturday, August 7th, the further modification of this order of business be considered.

(5) That when the Convention adjourns to-day it adjourns to Monday, August 2nd at 8:30 P. M.

Mr. President put the question whether the Convention would agree to said report, and it was determined in the affirmative.

Mr. Berri offered for the consideration of the Convention a resolution, in the words following:

Resolved, That 500 copies of the Record of the Proceedings of the Convention be printed in addition to the number provided by Rule 70, and that the same be distributed as provided in Rule 71.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. Leggett was excused from the session of Monday next.

On motion of Mr. Wickersham, the Convention adjourned until Monday, August 2nd, at 8:30 o'clock P. M.

MONDAY, AUGUST 2, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. David H. Chrestensen, Nassau.

On motion of Mr. Wickersham, the journal of Thursday, July 29th, was approved.

The President presented the memorial of the Chamber of Commerce of the city of Rochester, which was referred to the Committee on Governor and Other State Officers, etc.

Also, the petition of the National Committee for Mental Hygiene, which was referred to the Committee on Charities.

Mr. Hale, from the Committee on Public Utilities, to which was referred Proposed Amendment introduced by Mr. Blauvelt (No. 31, Int. No. 31), entitled "Proposed constitutional amendment to amend Article VII by adding a new section relating to highways," reported in favor of the passage of the same, without

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amendment, which report was agreed to, and said proposition referred to the Committee of the Whole.

The President announced the General Orders, three of which were moved.

The Convention resolved itself into a Committee of the Whole and proceeded to the consideration of General Orders, being the Proposed Amendment entitled as follows: "Proposed constitutional amendment to amend Article III of the Constitution, relating to the powers of the Legislature." (No. 752, Int. No. 699.)

After some time spent therein, the President resumed the Chair, and Mr. Sheehan, from said committee, reported progress on said Proposed Amendment and the substitute offered therefor and asked leave to sit again.

Mr. President put the question on granting leave to sit again and it was determined in the affirmative.

Also, the Proposed Amendment entitled as follows: "Proposed constitutional amendment to amend the Constitution, by inserting a new article in relation to taxation." (No. 756, Int. No. 679.)

Mr. Sheehan, from said committee, reported progress on said Proposed Amendment and the amendments offered thereto and asked leave to sit again.

Mr. President put the question on granting leave to sit again and it was determined in the affirmative.

Also, the Proposed Amendment entitled as follows: "Proposed constitutional amendment to amend Section five of Article V of the Constitution, by abolishing the Commissioners of the Canal Fund, and providing that the duties of said commissioners shall devolve upon the Comptroller." (No. 760, Int. No. 363.)

Mr. Sheehan, from said committee, reported progress and asked leave to sit again.

Mr. President put the question on granting leave to sit again and it was determined in the affirmative.

On motion of Mr. M. J. O'Brien, the substitute offered by him in the Committee of the Whole to Proposed Amendment (No. 752, Int. No. 699) entitled "Proposed constitutional amendment to amend Article III of the Constitution, relating to the powers of the Legislature," was ordered printed as a document.

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Mr. Mealy presented the following:

August 2, 1915

To the Constitutional Convention:

I hereby announce that because of resignation and transfers to committees, the number of general stenographers, originally twelve, has been reduced to nine, and that, therefore the demands seeming to require it, I have designated Maude McGuirk and Mary Dunphy as general stenographers to fill the vacancies thus created.

JOHN K. MARSHALL,
Official Stenographer

Mr. Mealy offered for the consideration of the Convention a resolution, in the words following:

Resolved, That in accordance with the designation heretofore made by the official stenographer, the Convention employ Maude McGuirk and Mary Dunphy as general stenographers at a per diem compensation of four dollars, the compensation to date from the date of this resolution.

which was referred to the Committee on Contingent Expenses.

Mr. Weed was excused from the sessions of August second, third and fourth.

On motion of Mr. Wickersham, the Convention adjourned.

TUESDAY, AUGUST 3, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. Alexander Wouters, Brooklyn.

On motion of Mr. Wickersham, the journal of Friday, July 30th, was approved.

Mr. Brackett presented the resolutions adopted by several Lodges of the Brotherhood of Railroad Trainmen in relation to the so-called short ballot, which were referred to the Committee on Governor and Other State Officers.

Also, the memorial of the Union League Club upon the same subject, which was referred to the Committee on Governor and Other State Officers.

The President presented the communication of Hon. Rosslyn M. Cox, which was referred to the Committee on Cities.

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On motion of Mr. Griffin, the amendments offered by him to General Order No. 28 were ordered printed upon the calendar.

Mr. Brackett offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee of the Whole be discharged from the further consideration of proposed amendment (No. 717, Int. No. 686) entitled "Proposed constitutional amendment to amend Article II of the Constitution, relative to the qualification of voters."

which was agreed to.

Said proposed amendment having been announced, on motion of Mr. Brackett, the same was amended as follows:

Line 5, strike out "acquire the right" and insert in italics "become entitled".

Line 6, after the word "is" insert in italics "also".

Line 7, strike out "or" and insert in italics "and".

Strike out the word "the" and the word "language".

Ordered, Reprinted and recommitted to said Committee of the Whole.

Mr. S. K. Phillips, from the Committee on Contingent Expenses, to which was referred the resolution relative to the appointment of Charles H. Clark as drafting clerk to the Committee on Revision and Engrossment, reported in favor of the adoption of the following resolution:

Resolved, That Charles H. Clark be and hereby is appointed drafting clerk to the Committee on Revision and Engrossment at a compensation of ten dollars per day, said appointment to date from Tuesday, August 3, 1915.

Mr. President put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative.

Mr. S. K. Phillips, from the Committee on Contingent Expenses, to which was referred the resolution relative to granting a leave of absence to Harmon J. Norton on account of illness contracted in the service of the State for ten days with pay, reported in favor of the adoption of the resolution:

Resolved, That Harmon J. Norton be granted leave of absence for ten days with pay on account of illness contracted in the service of the State.

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Mr. President put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative.

Mr. President announced the General Orders, three of which were moved.

The Convention resolved itself into a Committee of the Whole and proceeded to the consideration of General Orders, being the proposed amendment entitled as follows:

"Proposed constitutional amendment to amend Section one of Article IX of the Constitution, in relation to the supervision and control by the State of the education of children." (No. 749, Int. No. 698.)

After some time spent therein, the President resumed the chair, and Mr. Brenner, from said committee, reported progress and asked leave to sit again.

Mr. President put the question granting leave to sit again, and it was determined in the affirmative.

On motion of Mr. Wickersham, the Convention took a recess until 2:30 o'clock.

TWO O'CLOCK AND THIRTY MINUTES, P. M.

The Convention again convened.

On motion of Mr. Wickersham, the Convention resolved itself into a Committee of the Whole, and continued the consideration of the Proposed Amendment entitled: "Proposed constitutional amendment to amend Section 1 of Article IX of the Constitution, in relation to the supervision and control by the State of the education of children." (No. 749, Int. No. 698.)

After some time spent therein, the President resumed the Chair, and Mr. Brenner, from said committee, reported in favor of the passage of the above Proposed Amendment, which report was agreed to and said proposition ordered to a third reading.

Also, the Proposed Amendment entitled "Proposed constitutional amendment to amend the Constitution by inserting a new article in relation to taxation." (No. 756, Int. No. 679.)

Mr. Brenner, from said committee, reported progress and asked leave to sit again.

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Mr. President put the question on granting leave to sit again, and it was determined in the affirmative.

On motion of Mr. Wickersham, the proposed amendments to Proposed Amendment (No. 756, Int. No. 679) entitled "Proposed constitutional amendment to amend the Constitution, by inserting a new article in relation to taxation," offered in the Committee of the Whole, were ordered printed on the Calendar.

Mr. Austin offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee of the Whole be discharged from the further consideration of Proposed Amendment (No. 758, Int. No. 705) entitled "Proposed constitutional amendment to amend Sections two, four, five, eleven and twelve of Article VII of the Constitution, in relation to debts contracted by the State."

which was agreed to.

Said proposed Amendment having been announced, on motion of Mr. Austin, the same was amended as follows:

Page 2, line 5, strike out the word "and" after "direct" and insert in place thereof the word "or".

Page 2, line 9, after the word "paid" insert "from said taxes and revenues."

Page 6, line 20, after the word "debt" strike out the period and insert a semicolon, followed by these words, "the determination of the Legislature as to such comparative cost shall be conclusive."

Page 7, line 16, after the word "State" insert "except those contracted under Section two of this Article."

Ordered, Reprinted and recommitted to said Committtee of the Whole.

On motion of Mr. Wickersham, the Convention adjourned.

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WEDNESDAY, AUGUST 4, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. Rush Rhees.

On motion of Mr. Wickersham, the journal of Monday, August 2, was approved.

Mr. President presented the resolutions adopted by the Chamber of Commerce of the city of Geneva, which were referred to the Committee on Public Utilities.

Also, the communication of the Police Commissioner of the city of New York, which was referred to the Committee on Charities.

Mr. Stimson, from the Committee on State Finances and Expenditures, to which was referred Proposed Amendments (No. 223, Int. No. 221) entitled "Proposed constitutional amendment to amend Section four of Article IV, in relation to the duties and powers of Governor; compensation; State budget."

(No. 13, Int. No. 13) entitled "Proposed constitutional amendment to amend Article IV of the Constitution, relating to a budget commission."

(No. 19, Int. No. 19) entitled "Proposed constitutional amendment to amend Article IV of the Constitution so as to provide that the Governor may attend any session of the Legislature, and also to provide for a budget."

(No. 158, Int. No. 158) entitled "Proposed constitutional amendment to amend section twenty-one of Article III of the Constitution, in relation to the appropriation bills, by fixing the date of the fiscal year of the State."

(No. 748, Int. No. 315) entitled "Proposed constitutional amendment to amend Article III of the Constitution, relating to the powers of the Legislature."

(No. 345, Int. No. 341) entitled "Proposed constitutional amendment to amend article V of the Constitution, in relation to departmental estimates as a basis for desired appropriations."

(No. 428, Int. No. 416) entitled "Proposed constitutional amendment to amend Article V of the Constitution, by adding a new section, in relation to the duties of the Comptroller and the appropriation of the public funds."

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(No. 444, Int. No. 432) entitled "Proposed constitutional amendment to amend Article III of the Constitution, in relation to a State budget of estimated expenditures and the enactment of appropriation laws."

(No. 470, Int. No. 458) entitled "Proposed constitutional amendment to amend Sections twenty-one and twenty-two of Article III, and Section four of Article IV of the Constitution, so as to provide a scientific budget system for the State."

(No. 510, Int. No. 498) entitled "Proposed constitutional amendment to amend Sections one, two, three, four, five, six, seven, eight and nine of Article IV and Sections one, two, three, four, five, six, seven, eight and nine of Article V of the Constitution, relating to the organization of the executive branch of the government and the powers and duties of the Governor and other State officers."

(No. 555, Int. No. 540) entitled "Proposed constitutional amendment to amend Sections one, two, three, four, five, six, seven, eight and nine of Article IV, and Sections one, two, three, four, five, six, seven, eight and nine of Article V, relating to the organization of the executive branch of the government and the powers and duties of the Governor and other State officers."

(No. 646, Int. No. 630) entitled "Proposed constitutional amendment to amend Article V of the Constitution, by adding a new section to provide for a budget."

reported by proposed amendment entitled "Proposed constitutional amendment to amend the Constitution, by inserting a new article in relation to the budget, and to amend Section twenty-one of Article III of the Constitution" (Int. No. 709), which was read twice and said committee reports in favor of the passage of the same, which report was agreed to, and said proposed amendment ordered printed and referred to the Committee of the Whole.

Mr. Stimson, on behalf of the Committee on State Finances, Revenues and Expenditures, presented the following memoranda:

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THE RAPIDLY INCREASING GROWTH OF GOVERNMENT EXPENDITURE

Your Committee has pointed out in its recent report to the Convention on Article VII of the Constitution the very rapid increase in debt of the State of New York and of its political subdivisions; it has pointed out that the State debt, whether measured in the aggregate or per capita, now greatly exceeds the debt of every other State in the nation and that the same is true of the debt of its political subdivisions, taken either in the aggregate or per capita. It now invites attention to the similar rapid increase in the cost of the government of the State. The expenditures out of the general fund of the State, exclusive of interest on the canal and highway debts and of the free school fund, have increased from $7,163,831.18 in 1885, to $42,408,488.24 in 1914. This represents an increase in general running expenses of nearly 600 per cent. in thirty years. This increase of expenditures, as shown by five-year periods, is as follows:

1885	$7, 163, 831 18
1890	7, 200, 056 54
1895	12, 066, 646 97
1900	17, 696, 398 85
1905	24, 511, 946 95
1910	34, 791, 576 01
1914	42, 408, 488 24

During this period the population of the State has increased only 82 per cent. During this period the assessed valuation of real and personal property liable to taxation in the State has increased from $3,224,682,343 to $12,070,345,088, a percentage of only 274. Furthermore, a large portion of this increase in assessed valuation does not represent a real increase in property but is due either to new methods of taxation, like the Special Franchise Tax, first levied in 1899, or to increases in percentages of assessment, as, for example, in New York city, where in 1903 the rate of assessment was raised from between 67 and 75 per cent. to approximately 90 per cent.

Until recently the State has not felt the strain of this disproportionate rise in expenditures because it has been able to meet them by its revenue from indirect taxation. But it has now become apparent that the limit of indirect taxation has been practically reached. Indirect revenues fell off $1,900,000 from 1913 to 1914 and the Governor in his message of January 7, 1914, stated that in his opinion the maximum indirect revenue had been practically reached.

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According to the report of the Census Bureau the governmental cost per capita of the State government of New York rose from $2.47 in 1895 to $5.41 in 1914, an increase of 235 per cent. where the population of the State had gained only 53 per cent. during nineteen years. During that period assessed valuations in the State rose only 171 per cent., including both of the fictitious increases above mentioned. In other words, the State government costs each resident more than double the amount it cost in 1895.

This rapidly increasing per capita cost of government is a phenomenon which is not peculiar to New York State but is occurring likewise in other State governments, and also in the Federal government although to a less extent than in New York. The cost of the Federal government in thirty years prior to 1908 has increased nearly 400 per cent., while the increase in the population was less than 84 per cent. The growth in ordinary expenditure for carrying on that government, excluding interest on the public debt but including payments for pensions and many public works, rose from $135,000,000 in 1878 to $637,000,000 in 1908. (See Statement of Hon. George B. Cortelyou, former Secretary of Treasury, in North American Review for April, 1909.)

Hon. James A. Tawney, the last Republican Chairman of the Committee on Appropriations of the House of Representatives, made the following statement in 1909:

> "In no period, except in time of war, have the expenditures of our national government increased so rapidly, both in the aggregate and per capita, as these expenditures have increased during the past eight years. This fact may well cause our people not only to pause and consider the cause of this very large increase in the annual expenditure of the government, but also to consider the necessity of checking this growing tendency towards excess."

The Hon. John J. Fitzgerald, the present Democratic Chairman of the same Committee in the House of Representatives, in a hearing before your Committee on May 26, 1915, pointed out the same rapid increase in the expenses of government and said:

> "We have reached a point in our Federal expenditures, now aggregating a hundred million dollars a year, when it is necessary either to very greatly increase the taxes levied by the Federal government or else to curtail present activities or stop expanding the activities of the government.
>
> "We have reached about the limit of revenue under our present systems and if the government is to continue to expand and increase its activities there must necessarily be very greatly increased revenues." (Document No. 15, p. 4.)

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The same accelerating rate of the cost of government is to be found throughout the States, although the figures show that New York is the worst offender. The average cost of government of all the States of the Union rose 105.9 per cent. from 1903 to 1913, according to the Census Bureau figures. During that time the population of the States rose only 20 per cent. Of these the cost of government of the States of the Middle Atlantic division rose 160.3 per cent. and of New York State rose 200.2 per cent.

To sum up, we find that throughout the country the amount of money spent on government, both State and National, is increasing much more rapidly than the population and much more rapidly than the sources of supply, in the shape of property subject to taxation.

Undoubtedly this increase of cost is largely due to the fact that government has greatly extended its activities. There is no reason to suppose, however, that any real or permanent check can be put upon this increase. It arises out of the constantly increasing complexity of modern life and modern business and the increasing density of our population. So long as these factors continue, greater and greater demands will be made upon the activities of government. They represent an economic pressure which is constantly growing.

Out of these facts arises the corresponding and increasing need for sound financial methods in conducting the business of government. With States, as with individuals, the habit of expenditure breeds extravagance, and it cannot be assumed that the completion of particular projects will counteract the desire to spend. America is only at the threshold of her problem. If, under our present methods, the cost of government has already reached the limit of reasonable taxation, it only makes it clear that we should examine our methods in order to prevent unnecessary waste.

It has been frequently pointed out that the United States is substantially the only civilized country where, in both its National and State governments, a scientific budget system is unknown. No financial plan is presented to our Legislature in public each year by the men who are responsible for the conduct of government. No considered estimates of the future, no material whatever for comparison with the past, is presented by our executives to the Legislature in such a way that that body and the public can understand them and hold the spenders of our public money responsible; instead, our appropriation and revenue bills are made up in the comparative secrecy of legislative committees and rushed through in the hurry of the final days of a legislative session.

The effect of this looseness of method has long been apparent in the results of our expenditures. For many years we have been

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spending as much upon our army as Germany has spent upon hers, and a still greater percentage of what France has spent upon hers, but where their expenditure has produced forces which are now astonishing the world by their size and efficiency, our expenditures from the lack of the proper working machinery between the executive and Congress which a budget system would supply has largely been wasted upon unnecessary army posts in the districts of influential congressmen. The same is true in respect to our navy, where money necessary for dreadnoughts is spent on useless navy yards in favored localities. Our river and harbor appropriation bills have obtained the name "Pork Barrel Bills" because their contents are looked upon more from the standpoint of the political requirements of legislators than of national routes of transportation. The same lack of responsible aim has marked our appropriations for public buildings.

Nearly thirty years ago this fundamental defect in our national system was pointed out by Mr. James Bryce in that leading study of our institutions, The American Commonwealth, where he said, quoting an American publicist:

> "A thoughtful American publicist remarks: 'So long as the debit side of the national account is managed by one set of men, and the credit side by another set, both sets working separately and in secret without public responsibility, and without intervention on the part of the executive official who is nominally responsible; so long as these sets, being composed largely of new men every two years, give no attention to business except when Congress is in session and thus spend in preparing plans the whole time which ought to be spent in public discussion of plans already matured, so that an immense budget is rushed through without discussion in a week or ten days — just so long the finances will go from bad to worse no matter by what name you call the party in power. No other nation on earth attempts such a thing or could attempt it without soon coming to grief, our salvation thus far consisting in an enormous income with practically no drain for military expenditure.' . . . Under the system of congressional finance here described America wastes millions annually. But here wealth is so great, here revenue so elastic, that she is not sensible of the loss. She has the glorious privilege of youth, the privilege of committing errors without suffering from their consequences." (The American Commonwealth, Vol. I, pp. 177-179.)

These words were uttered over a quarter of a century ago. The figures of our taxable resources alluded to above make it evident

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that this period of youthful privilege is now over and that we in America can no longer claim the same exemption from the conditions governing other communities.

In view of the foregoing facts your Committee believes that the only alternative to a grave danger of general discontent arising out of the constantly increasing burden of taxation is a thorough and drastic revision of our financial methods.

Your Committee has made a careful study of the methods of financial legislation of this State. It has had before it gentlemen representing all phases of legislative and executive activity of the State including men who had held or still occupied the positions of Governor, Comptroller, Speaker and chairman of the principal committees of both houses of the Legislature. It has had before it men thoroughly familiar with those activities in the Federal government, including ex-President Taft and Mr. Fitzgerald, Chairman of the Committee on Appropriations of the House of Representatives. It has examined into the budget methods of the cities of this State and budget methods in vogue in Great Britain, Canada and other countries.

As a result, it presents its conclusions as to the chief defects in the present methods of financial legislation in the State of New York and finds that the following are the chief causes of waste and extravagance in those methods:

DEFECTS OF PRESENT SYSTEM IN NEW YORK STATE

I

Lack of Responsible Revision of the Departmental Estimates

Under the Laws of 1910, chap. 149, the annual estimates of the various departments, bureaus and commissions of the State are to be submitted by them to the Comptroller on November 15th of every year for transmission to the Legislature. The Comptroller has no power to revise or reduce these estimates when submitted or even to compel their timely submission. His only function is to assemble them and transmit them to the Legislature. No other executive officer has any power to revise or co-ordinate them.

As a result, they are made up by the various bureau chiefs who consider only their own desires without regard to the revenues or other needs of government and as a result the aggregate of these estimates mounts into a sum which bears no responsible relation either to any consistent plan for expenditures for the coming year or to any plan for raising revenue. In size they are limited only by the enthusiasm of each bureau chief for the activities of his own bureau.

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The evil is very much aggravated by the fact that there is no adequate organization of these bureaus and commissions into a limited number of departments. The estimates of the various officers, instead of being sent to the Comptroller through a departmental chief who can revise and reduce the estimates of his subordinates, are transmitted directly to the Comptroller. Almost the only exception to this lack of system is in the somewhat limited oversight exercised by the Fiscal Supervisor of Charities.

As a result, when these estimates reach the Legislature they are regularly so high that very little attention is paid to them. They are necessarily treated as mere requests for money desired rather than as responsible estimates of the amounts required. The Legislature is therefore itself forced to undertake the work of proposing and formulating for the first time a program of the annual expenditures.

II

The Legislature is Not the Proper Body to Prepare a Financial Plan of Expenditure

Your Committee has reached the conclusion that the Legislature is not the proper branch of the government to initiate such a program of annual expenditures and that in attempting to do so it labors under the following insuperable disadvantages:

(a) Its proper work is legislative; it has no administrative control or authority over the bureaus and departments through which the moneys of the State are expended and necessarily cannot have such authority. It is therefore without the consistent regular information as to operating difficulties, problems, methods and costs which would naturally come to the superior officer of those bureaus. Instead it must act upon such information as it can acquire through hearings held by committees, meeting only occasionally.

The Legislature cannot exercise executive supervision to compel a given bureau to try to produce the desired result with less money by adopting a more efficient method. It cannot exercise executive authority to reconcile conflicts between overlapping or encroaching bureaus so as to prevent duplication of effort and expense. In a word, it cannot produce the constant necessary team play and cooperation which is essential to economy.

(b) The Legislature is under the further disadvantage that its members, instead of being responsible solely to the State as a whole, are each responsible to and dependent upon a single district of the State. A financial program made up in the first instance by the Legislature necessarily tends to represent a compromise or bargain between different districts rather than the viewpoint of the

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State as a whole. The treatment of the multitude of separate items necessarily tends to that process of give and take which has become so common in America as to be stigmatized by the terms "log rolling" and "pork barrel."

(c) In the third place, the very fact that the program is made up in the Legislature at once tends to shield it from real criticism by the Legislature. No body can adequately criticize its own work. This applies both to criticism by the majority and minority parties. A real budget program presented by the executive to the Legislature should receive, and in other countries regularly does receive, criticisms and suggestions, even from the executive's own party members. The viewpoint of the man who grants money is different from the viewpoint of the man who asks for it, even when they both belong to the same party. Under our methods the man who makes up the program is the same man who afterwards leads the debate on the majority side. No criticism whatever from him can be expected. It is his own program. On the other hand, so far as the minority is concerned, they also have participated in the work of the committees and, to a certain extent, their views have also been accommodated. And even in those cases where they differ with the program, inadequate opportunity for the discussion of the issue thus presented has been afforded under our methods, as will be shown under the following subdivision. As a result, the budget debates of the Legislature, after appropriation bill has been made up, have become formal and perfunctory.

(d) Finally, the fact that no program for consideration and discussion takes form until the Legislature itself makes up the appropriation bill, tends to destroy publicity and opportunity for debate. Instead of there being an entire financial program laid before the Legislature by a responsible executive early in the session with which every citizen in the State can familiarize himself, comparing its items with the corresponding expenditures of preceding years, and as to which, therefore, he can put himself in a position to understand the issues and debates, no citizen now in the ordinary course learns anything of any program until the Ways and Means Committee reports the appropriation bill so late in the session that there is no opportunity for effective suggestion or criticism. The bill has then received the approval of the various elements and leaders in committee and the subsequent discussions mean little. This evil has been accentuated by the misuse of the emergency message, under which, during the past twenty-one years, every appropriation bill except one has been hurried through in the final hours of the session without the necessity even of being printed and lying on the desks of members for three days. We think it is safe to say that under ordinary conditions not only

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is the public ignorant of the items of appropriation bills until they are enacted into law, but the same ignorance applies to the members of the Legislature outside of the one or two men who control the conduct of the bill.

It is, therefore, almost impossible to create a real issue, a real debate on the subject of economy and without the publicity of such an issue and such debate your Committee does not believe that real economy can be attained.

III

No Complete Financial Program or Budget at Present Exists

The third general criticism which your Committee makes of our present system is that nowhere, either in the Legislature or outside, is there now ever formulated or made public a really complete financial plan or budget. Such a budget, as it is universally understood in communities or institutions which practice budget-making, should contain the following essential elements:

(1) A responsible estimate of the proposed expenditures for the coming fiscal year.

(2) Financial statements of the current resources and liabilities of the State, including its debts and various funds, and including, for the purpose of comparison, a statement of its current expenditures and revenues in past years.

(3) A proposition of the new measures of taxation, if any, which will be necessary to meet the proposed expenditures of the coming year.

To see how far short we fall now of having any such information available it is only necessary to recall the issue which arose last winter between the present State administration and its predecessor over the question as to whether a direct tax of $18,000,000 was needed. When it is recalled how difficult it was for the ordinary citizen to determine the rights of a controversy over the necessity of a tax amounting to nearly thirty per cent. of the total revenues of the State, one can form some conception of the confusion of our present methods and the desirability of a complete annual budget responsibly prepared.

IV

The Necessity of Restrictions Against Additions to the Budget on the Floor After it is Prepared

The fourth general criticism which your Committee makes is that there is no restriction now imposed against additions at the behest of individual members being made to the budget after it

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is formulated and proposed by its framers. Your Committee believes that the absence of such restriction would be fatal to any budget system. The spirit of mutual accommodation is necessarily so strong between members of all legislative bodies that without protection against its effect the best laid program of financial expenditure is liable to destruction on the floor of the houses. Your Committee learned of an instance last winter where an appropriation, the real though not ostensible purpose of which was to help a member of the Legislature to re-election in his own district, after it had been rejected by the Finance Committee of the Senate, was forced through on the floor of that body by the united vote of both parties, the Chairman of the Finance Committee and the leader of the minority alone voting against it.

Restrictions against such increases or additions exist in the Legislatures of all other English speaking countries. They originated in the oldest standing rule of order of the House of Commons, dated July 11, 1713, which forbids that body to raise the amount of items presented in the budget. Similar restrictions exist in the Constitution of the Dominion of Canada as they did in the Constitution of the Southern Confederacy. They are a familiar and most successful feature of the charters of all the largest cities of this State and your Committee believes they embody a principle which is indispensable to successful budget practice. This principle has been stated by one writer as follows:

> "Upon the creation of just such a situation as that the efficiency of representative government depends. Its essential principle is to fix the representatives so that *they* cannot put their hands into the till; then they will keep a good watch over those who *do* handle the money. Congressmen will take a very different view of pork barrels from that now held when they can no longer help themselves to the pork." (Ford on the Cost of Our National Government, p. 115.)

V

The Present System Reverses the Real Relation of the Executive to the Legislature and Surrenders Important Powers to the Executive

Your Committee further finds that the system of permitting the Governor to veto items in appropriation bills prepared by the Legislature has resulted in transferring to the Governor, to a large extent, the historic function of the Legislature of holding the purse strings of the State. The present system presents a singular reversal of the proper relation which should maintain between the Executive and the Legislature. Instead of the Executive coming to the Legislature with a request for funds, which it is

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the province of the Legislature to pass upon and either grant or refuse, our system has gradually resulted in the Legislature presenting to the Executive appropriation bills which he is expected to reduce. Instead of the man who is to spend the money presenting to the body which is to grant the money his request for their final decision, the latter body, in substance, draw their check in blank and present it to the Executive for him to determine how much of it he cares to use. Your Committee finds the present system has resulted in the Legislature, under pressure of local and individual interests, passing many appropriation bills with larger aggregate than they believed to be proper in reliance upon the hope that the Governor would afterwards prune them down to the proper dimensions. In other words, our attempt to accomplish by the use of the Executive veto what elsewhere has been accomplished by the legislative rule against additions to the budget mentioned under subdivision IV above, has very nearly resulted in an abandonment to the Executive of the priceless legislative function of holding the purse. Our Legislatures, instead of placing upon themselves during their own deliberations, a self-denying ordinance, like the rule of the House of Commons above mentioned, have left it to the Governor to make the necessary corrections afterwards.

Not only is our system an abandonment of essential legislative power, but it is open to other grave dangers to which a proper system would not be open. Instead of presenting his budget at the beginning of the session, the Governor uses his veto power after the session is over, and can make it an instrument of punishment or reward. Instead of presenting a public plan of expenditures and revenue which can be subjected to the fullest publicity and the most searching scrutiny, and where an attempt to recommend expenditures for other motives than the interest of the State as a whole could be discovered and discussed, the Governor exercises his veto power in a series of disconnected acts under circumstances which make such discovery less easy.

VI

The Present System Prevents Any Real Defense or Criticism of the Budget in Public

Finally, as a result of our present method, the members of our Legislature are deprived of adequate opportunity to ask questions in public concerning the estimates of the men who know most about them.

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In those communities where the budget is presented by the Executive to the Legislature, it follows as a natural matter of course that the men who have prepared the estimates and the financial program present themselves personally before the Legislature to defend and to be examined about them. The Legislature thus has an opportunity to learn at first hand the propriety of the requests which are made and to cross-examine the men who make them under such circumstances that the public can get a clear conception of the strength and the weakness of any proposed budget. Such a method of public criticism can accomplish results which are quite impossible to our present system of committee work which, at best, is conducted without effective publicity.

Recommendations

Your Committee has prepared and presents herewith a proposed amendment which embodies its recommendations, made for the purpose of meeting the foregoing defects in our present system and of providing the machinery for a budget system in the State. Your Committee is glad to report that on many of its conclusions and recommendations its members were unanimous and that all such recommendations, after having received careful discussion, are supported by a large majority of its members.

First.—Estimates must be first revised and classified within the respective departments

Your Committee were unanimous in their belief that a system should be introduced which would compel a greater sense of responsibility on the part of department heads in submitting their estimates of requirements. Such a reform will be greatly facilitated in case the recommendations of the Committee on Governor and State Officers are adopted under which it is proposed that the various bureaus, commissions and offices of the State shall be grouped into a limited number of departments at the head of each of which shall be an executive chief. The amendment proposed by your Committee makes it the duty of such department head to classify the estimates of his department according to his judgment of their relative importance. He is thus made responsible that they be presented in such a way that any subsequent pruning can be done with intelligence. This duty of classification will necessarily tend to make the head of each department better acquainted with the needs of his various bureaus and subordinates and will tend, in the opinion of your Committee, to increase the responsibility which such department head will feel as to his estimates.

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Second. — The estimates should then be revised and co-ordinated by a central executive authority

Your Committee were unanimous in believing that these departmental estimates should be revised by a central executive authority before transmission to the Legislature. This is the nub of a real budget system. It means that that executive authority must be responsible for preparing and completing a consistent plan for the proposed expenditures of the State under which those proposed expenditures will be brought into proper relation to the expected revenues. It means that some central authority on the executive side of the government must take the responsibility of cutting down the estimates which are too high, of deciding between those which are conflicting, and of recommending an aggregate which will bear a proper relation to the revenues; it means the introduction of a system of planning and foresight where none now exists.

Third.—This central authority of revision should be the Governor

The very great majority of your Committee are of the opinion that this ultimate responsibility of revising the estimates and preparing the budget must rest with the Governor.

(a) Upon him rests the constitutional duty of seeing that the laws are enforced. The departments whose estimates comprise by far the greater portion of the budget are the instruments through which he performs that constitutional duty. His relation to them is such as to make it his duty to constantly and naturally receive information as to their functions and puts him in a position to exercise that supervision over their co-operation and team work which is absolutely necessary for economy. He is the man who can insist that a given department shall do its work with less money or decide between several departments which is to be given the preference in respect to available revenues. He is the man who, under the present system, though less effectively, makes a similar decision when he prunes the appropriation bills with his veto.

(b) Secondly, as the head of the State he is the one who can best explain and defend a given fiscal policy to the people of the State and he is the one who, above all others, is interested in upholding before the people of the State a policy of economy and who should be held responsible to them for the success or failure of such policy.

Fourth.— Objections to a board of revision

No board composed of several co-ordinate members could perform these functions with equal efficiency. The necessary

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authorities over subordinates would be absent and the sense of responsibility would be diminished.

(a) The State has already made such an experiment with a board of estimate created under chapter 281 of the Laws of 1913, and the defects above mentioned caused its complete failure. The board there created was composed of the Governor, Lieutenant-Governor, President and Chairman of the Finance Committee of the Senate, Speaker and Chairman of the Ways and Means Committee of Assembly, Comptroller, Attorney-General and Commissioner of Efficiency and Economy. It was thus composed of four legislative and five executive members, and violated the principle above referred to, which requires that the function of proposing a budget should be separated from the function of disposing of it and that the former should belong to the Executive and the latter to the Legislature. Although the board under the statute was ostensibly given ample power for the preparation and revision of estimates, it at once became deadlocked and was unable to agree. It failed wholly to formulate definite proposals and never succeeded in proposing any budget to the Legislature. It was shortly abolished by statute. Its fate amply demonstrated the error of confusing instead of defining responsibility.

(b) It has been suggested to the Committee that the Comptroller and the Attorney-General should share with the Governor this responsibility in the matter of revising the estimates. Your Committee believes that the Comptroller should be consulted in respect to the budget but should not be committed to it in advance. He is the auditing officer of the State. His services should be at the disposal of the Legislature in criticising and disposing of the budget. If the Comptroller were made a member of a budget board he would be committed to that budget and his subsequent criticism would be foreclosed and useless.

The amendment which your Committee submits, therefore, provides that the Comptroller shall receive a copy of the budget and that he shall have an opportunity thereafter to present his views in regard to it before the Legislature. This we believe to be the true function which he should play.

As to the Attorney-General, your Committee wholly fails to see what services he could render in the revision of the estimates. He is not a financial officer; he is not the superior of the departments who render the estimates, and to impose upon him such a duty would simply be an interference with his functions as chief law officer of the State and would impose a useless burden upon him.

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Fifth.— Public hearings upon the budget

The amendment submitted by your Committee provides that the Governor shall give public hearings upon the estimates at which he may require the attendance of department heads and their subordinates. The purpose of your Committee is to make the function of revision of the estimates as public as possible. This will minimize the danger of unfairness of allotment between the different activities of the State and will give an opportunity for public information and criticism.

Sixth.— Estimates of Legislature and judiciary

The Governor's power of revision should, in the opinion of your Committee, not be extended over the estimates of the legislative and judicial branches of the State.

Under your Committee's amendment such estimates are prepared by those branches and transmitted to the Governor. They necessarily form an integral part of the budget or plan of expenditures for the ensuing year but the Governor is given no power to revise or reduce them and may simply present them to the Legislature with such recommendations in respect to them as he may be advised. He, however, retains his present power of veto over these estimates.

Seventh.— Submission of budget to Legislature

The budget, when completed by the Governor, must be submitted to the Legislature on or before the first of February. It must contain all of the elements above specified.

Your Committee believes that the essentials of a complete budget should be so carefully prescribed in the Constitution that there will be no danger of the system failing from lack of an adequate standard to which future administrations must conform. The experience of some cities of the State justifies this precaution. We believe that the elements enumerated in the proposed amendment contain such requisites.

Your Committee believes that it is essential that the budget should be presented as early as possible in the session and, after careful investigation, believes that the first of February will give the Governor time for its preparation and yet allow it to reach the Legislature in time for full discussion.

Eighth.— Appearance of Governor, Comptroller and heads of departments before the Legislature

Under the proposed amendment these officers are to have the right and be subject to the duty, when requested by either house, to appear and be heard and to answer inquiries relative to the

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budget. In order to provide for a proper, permanent and dignified system for such appearance, it is made the duty of the Legislature to provide for the necessary procedure by law. This right and duty of appearance follows as a necessary corollary of the budget system. Where such a budget is prepared by one branch of the government and submitted to another, it necessarily carries with it the right to be heard and the duty to submit to interrogation with reference to the measures which are thus proposed. It follows the natural method by which men in all the affairs of life dispose of such an issue, namely, by meeting face to face in discussion and interrogation. It also insures that the plans of the Governor, embodied in the budget, will receive essential publicity and criticism on the part of the State. If the budget has been unfair to any department or bureau, it provides a means by which that fact can be made public. If there should be any issue between the Governor and the Legislature as to proper economy or adequate expenditure, it insures that this issue will be discussed in a deliberative forum, under parliamentary rules, instead of as now, merely upon the stump and in the press. It affords an invaluable opportunity by which the people's representatives, without the expense, excitement and necessary hostility of special investigations into departments, may keep themselves informed as to the financial working of every branch of the State government. For these reasons "Question Day" in the House of Commons has been called the center of gravity of the British constitution. (See Cambridge Modern History, Vol. VI, pp. 810-811.)

Ninth.— Relation of the Governor's budget to other financial legislation

Your Committee has very carefully considered this difficult question. On the one hand, it is essential to the success of the whole system that the governor's budget, when presented, be given a fair trial and that it be considered on its merits without the easy temptation to the Legislature to throw it aside and begin over again a new budget of its own; on the other hand your Committee believe that, particularly when a new system is thus being introduced, the Legislature should retain not only adequate power to correct executive abuses, but the right to initiate financial legislation by methods which will not disrupt the budget.

The amendment which your Committee presents, therefore, provides that the Legislature, in acting upon the budget, may reduce or strike out but not raise the items therein. It thereby applies to the proposed bill the old self-denying ordinance of parliamentary procedure above mentioned. To leave in the Legislature the right to raise those items would, as your Committee believes,

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leave the door open to an entire abandonment of the system and an immediate return to present methods and would also tend to destroy all incentive on the part of the Governor to prepare the budget carefully in advance and present it with a sense of responsibility. But to meet the objection that the Governor might misuse his power and either starve objects which the Legislature deems worthy of trade with individuals or localities, the power of initiation of financial legislation is left with the Legislature subject to but two restrictions:

(1) It must not be exercised until after the budget is disposed of by both houses; and

(2) Such appropriations must be made by separate bills, each for a single work or object.

We believe that this will adequately protect the budget system and yet keep it free from executive abuse. A Governor sincerely devoted to economy will have the opportunity to present a complete financial plan, drawn in the sole interest of the State at large. He will have all the aid which public presentation and discussion can give him in presenting that plan to the Legislature. The Legislature must approach it in the spirit of a fair critic and not of a rival constructor and yet, if individual abuses have crept into the budget, they can be remedied. The Legislature is left free to inaugurate new State activities, provided it does them in the manner prescribed. By postponing such additional legislation until after the budget has been acted on both the State and its representatives in the Legislature will have opportunity to fully know all the revenue available, if any, beyond the regular departmental expenses.

We believe that this proposal will enlist in the working out of this problem all of the probabilities for success which can come through publicity and a sense of responsibility on both the executive and legislative branches of the government. It also follows closely all of the lines of precedent which successful budgets in other communities and institutions have followed in the past.

Tenth.— Fiscal Year. Expiration of Appropriations

Your Committee further believes that the beginning of the State's fiscal year should be moved forward to July 1, with a view to bringing the period to be financed closer to the time during which the estimates and budget for that period must be made. This change would put the termination of the year to be planned for three months nearer to the time when the plans are made than it is under the present system and by so much would facilitate more accurate forecast. Finally, we believe that the expiration of appropriations from time to time, two years from the date of

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their enactment, causes great and unnecessary confusion. It is therefore proposed that hereafter all appropriations shall expire three months after the end of a fiscal year. This would make all appropriations expire simultaneously, and yet would give time to permit the payment of any bills accruing late in the preceding fiscal year.

BRIEF SUMMARY OF OBJECTIONS AND ANSWERS

1. The fear that the proposed budget system would deprive the Legislature of power or dignity is, we believe, a complete misconception. On the contrary, the Legislature would be restricted only to the extent of being protected from disrupting influences while considering the budget. It would retain power of initiation thereafter; and in addition, it would be restored to its lost position of dignified and effective control over appropriations.

Under present methods, financial legislation has been in danger of degenerating into a scramble for local favors and privilege; the proposed system makes it possible for the Legislature to consider from a State-wide viewpoint the broader financial interests of the State.

Under present methods the Legislature has been gradually surrendering its most vital power in financial legislation to the executive veto. The proposed system will restore that power and make it final.

2. Nor is there the slightest force to the claim that the proposed system would give undue power to the Governor. It would add not one iota to the power that he now possesses through the veto of items in the appropriation bills. Whereas now that power is subject to no review and thus may be used as an instrument of reward or punishment after the legislative session is over, the proposed system would deprive him of his veto as to budget items and would thus compel him to use his influence in advance, in the open, under the fire of legislative discussion and the scrutiny of the entire State. It would thus be the Legislature which would have the final word.

3. Of even less weight, in the opinion of your Committee, are the objections sometimes urged that the Governor, and especially a new Governor, would not have time to prepare a budget. It is believed that the burden would be lighter than under the present system under which the Governor must prune the appropriations within thirty days after the session, under all the added pressure of reviewing some five hundred other bills and without any of the assistance of the previous classification by department heads for which the proposed amendment provides.

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Doubtless the burden would be heaviest on a new executive. But it is the familiar practice of each new administration in our first and second class cities to rely, to a large extent, upon its predecessor for its first budget. There is no break in government and the system is successful, as we believe it would be in the State government. The lengthening of the Governor's term from two to four years would greatly aid the efficient and intelligent preparation of budgets.

Undoubtedly in budget making as in virtually all other executive work, much of the work of investigation and comparison would fall to subordinates. But in view of the growing importance of the issue of economy and the probability of a direct tax for many years to come, no Governor could afford to shirk or delegate the ultimate decision. On the contrary, he would have a new and vital incentive to study the machinery of the State. He could not risk the sure discovery of ignorance or neglect. He would be under a new compulsion to devise systematic and rational methods of saving, for on him would squarely fall, as it should, the responsibility for extravagance and to him would be given as never before due credit for wise economy.

4. We have already enumerated some of the reasons which require and justify the presence of the heads of executive departments and the government on the floor of the Houses of the Legislature in order to defend and answer inquiries about the budget. Critics of the budget system have assailed such a proceeding as novel and un-American. To answer such criticism it is only sufficient to remind the Convention that this procedure was practiced by the first national administration of this country under President Washington and his cabinet officers; that it has been introduced by an American Congress into the governments now in force in Porto Rico and the Philippine Islands; that it is a system in practice before the local legislatures of many of the largest cities of this State; and that it was strongly advocated by Justice Story in his Commentaries on the Constitution, and that it has since been earnestly recommended by a long line of American statesmen, including Presidents Taft and Wilson, and Senators George H. Pendleton, James G. Blaine, John J. Ingalls, W. B. Allison, O. H. Platt, Elihu Root and James W. Wadsworth, Jr. A practice recommended by such precedents and such authorities cannot be justly criticised as un-American.

In concluding, your Committee fully recognizes the difficulty of the subject and the responsibility involved in suggesting changes, no matter how well supported by authority and experience, into any system rooted in long-accustomed usage. But it has been fortified in its conclusions by recent investigations in other States,

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notably Minnesota, Iowa and Illinois, which resulted in recommendations essentially similar to those here made. It believes that the system which it advocates would make possible in this State a much needed adjustment of expenditures to revenues, and that it would bring into the finances of New York simple and common sense principles long familiar and admittedly indispensable in the affairs of everyday American business.

Respectfully submitted for the Committee,

HENRY L. STIMSON,

Chairman.

Mr. Clinton, from the Committee on Canals, reported by proposed amendment entitled "Proposed constitutional amendment to amend Section eight of Article VII of the Constitution" (Int. No. 710), which was read twice and said Committee reports in favor of the passage of the same, which report was agreed to, and said proposed amendment ordered printed and referred to the Committee of the Whole.

Mr. Clinton, from the Committee on Canals, submitted the following statement of the reasons for the proposal to amend:

The approaching completion of the Barge canal improvement has made it necessary to amend Section 8 of Article VII by defining the canals to which the prohibition against sale, lease and other disposal in the present Constitution, applies. The retention of the language now in the Constitution might possibly lead to a misconstruction, it at least would leave the intent open to misinterpretation. In addition to this, questions have arisen heretofore in the courts, as to what properties used in connection with the canals were to be considered parts of them so as to be within the prohibition against sale, etc. The Committee has therefore added to the language of the Constitution, clauses which are intended to include within the prohibition, canal terminals the Erie, the Oswego, the Champlain and the Cayuga and Seneca canal, as the same will be improved and become part of the Barge canal system, at the same time preserving the application of the prohibition to the Black River canal. Language has been used which saves as a portion of the Barge canal system, those parts of the existing canals which have been preserved as a part of that system by existing statutes, which are either amendments to the laws under which the Barge canals are being constructed, or separate statutes. The parts so preserved are, in some instances, needed auxiliaries as terminals or to connect with

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the Barge canals, manufacturing localities which would otherwise be cut off from direct connection with the improved canals. These are not many and do not impose upon the State the maintenance of any considerable portion of the old canals.

In addition to the parts preserved by existing statutes the Committee, after careful consideration, has concluded that the existing inland Erie canal from Tonawanda creek to connection with the Black Rock Harbor, and canal slips 1 and 2 in the City of Buffalo should be made a part of the Barge canal system, even though not enlarged to Barge canal capacity at present. Slips 1 and 2 in the City of Buffalo are needed for terminal purposes and should not be abandoned; and the inland Erie canal from Tonawanda creek to Black Rock Harbor, your Committee is decidedly of the opinion, should be saved as a part of that system in order to enable west bound boats with partial cargoes or without cargoes to reach Buffalo from Tonawanda creek without proceeding up Niagara river against the heavy current.

Under existing statutes the present Erie canal is preserved from Rome to Mohawk passing through the City of Utica. This was done because the Barge canal passes so far to the north of the manufacturing districts in that city that the expense to manufacturers of shipping by the Barge canal would be greatly increased if connection by the existing Erie canal, both east and west, were not retained. However, the saving of this part of the Erie canal in the City of Utica prevents the improvement of the grade of the city streets at and in the vicinity of bridges crossing the canal. To relieve the municipal conditions and at the same time to save for the manufacturing industries, connection with the Barge canal through the existing Erie canal, your Committee has deemed it wise to insert language in the proposed amendment which will permit the present Erie canal between Schuyler and Third streets in Utica to be disposed of on condition that a flow of sufficient water from Schuyler to Third streets be maintained, as may be done by means of pipes or other conduits. This proposed amendment protects the manufacturing industries and will permit the lowering of the bridges and the street grades.

In view of the approaching completion of the Barge canal system, efforts have been made, and will continue to be made, to secure portions of the canals which may be abandoned for particular municipal and private purposes. In the opinion of your Committee this practice should be stopped as the result must be, if it be allowed to continue, that abandonment will not be properly safeguarded and the State will not receive proper compensation. Your Committee has therefore proposed an amendment to the

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effect that abandonment, sale or other disposition of canals or canal property which shall cease to be a portion of the canal system of the State shall be, pursuant to general laws, only, which shall secure to the State the fair value of the property.

Question having arisen under a recent decision of the Court of Appeals as to what the title of the State to property appropriated to canal purposes is, your Committee has deemed it wise to propose an amendment that announces that title to be in fee.

Maintenance of the supply of water for the canals, to protect commerce and navigation, and control over the flow of water in the prisms and channels, is paramount to the use of canal waters for any other purpose. Nevertheless, in certain localities and under certain circumstances (dependent upon the supply of water) there is at times more water than is needed for navigation, the use of which for power purposes can be permitted, subject to such control as will prevent creation of currents which will be impediments to navigation. This has been recognized heretofore and leases have been granted for the use of surplus waters which in their operation have been exceedingly detrimental and which have not compensated the State fairly for supplying the waters to the leaseholders. Your Committee has therefore deemed it necessary, for the protection of the State, to propose an amendment permitting the leasing of surplus waters provided that the use thereof shall not in any way injure, impair, interfere with, or endanger navigation or the construction, use, maintenance, operation, the safety of the canals or of other property of the State. Your Committee has deemed it wise that no lease shall be granted in perpetuity and that there shall be reserved to the State the right, whenever in the opinion of those having charge of the management and operation of the canals, the needs of navigation required to terminate or suspend the same and to regulate and alter the amount of water to be used thereunder.

Mr. President announced the General Orders, three of which were moved.

The Convention resolved itself into a Committee of the Whole, and proceeded to the consideration of General Orders, being Proposed Amendment entitled: "Proposed constitutional amendment to amend the Constitution, by inserting a new article, in relation to taxation." (No. 756, Int. No. 679.)

After some time spent therein, the hour of one o'clock P. M. having arrived, the Convention took a recess until two o'clock and thirty minutes P. M.

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TWO O'CLOCK AND THIRTY MINUTES, P. M.

The Convention again convened, and proceeded in the Committee of the Whole with the consideration of Proposed Amendment entitled "Proposed constitutional amendment to amend the Constitution, by inserting a new article in relation to taxation." (No. 756, Int. No. 679.)

Also, the "Proposed constitutional amendment to amend Section 15 of Article I of the Constitution of the State of New York, in relation to Indians." (No. 769, Int. No. 707.)

After some time spent therein, the President resumed the chair, and Mr. F. L. Young, from said committee, reported progress and asked leave to sit again.

Mr. President put the question on granting leave to sit again, and it was determined in the affirmative.

Also, the committee proceeded to the consideration of Proposed Amendment entitled: "Proposed constitutional amendment to amend Sections 6 and 7 of Article IV of the Constitution, in relation to succession to the office of Governor." (No. 744, Int. No. 385.)

After some time spent therein, the President resumed the chair, and Mr. F. L. Young, from said committee, reported in favor of the passage of the above Proposed Amendment, which report was agreed to and said proposition ordered to a third reading.

Also, The committee proceeded to the consideration of the Proposed Amendment entitled "Proposed constitutional amendment to amend Section 6 of Article III of the Constitution, in relation to the compensation and expenses of members of the Legislature." (No. 741, Int. No. 697.)

After some time spent therein, the President resumed the chair, and Mr. F. L. Young, from said committee, reported in favor of the passage of the above Proposed Amendment, which report was agreed to and said proposition ordered to a third reading.

THOSE WHO VOTED IN THE AFFIRMATIVE

Adams	Curran	Law	Parmenter	Smith R B
Ahearn	Dahm	Leary	Parsons	Smith T F
Aiken	Daly	Leggett	Phillips S K	Stanchfield
Angell	Dennis	Lennox	Potter	Standart

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Austin	Dick	Lincoln	Reeves	Stimson	
Baldwin	Donnelly	Linde	Rhees	Stowell	
Bannister	Dooling	Lindsay	Rodenbeck	Tanner	
Barrett	Doughty	Low	Rosch	Tuck	
Baumes	Dykman	Martin F	Ryan	Unger	
Bayes	Eisner	Mathewson	Ryder	Van Ness	
Beach	Endres	Mealy	Sanders	Wagner	
Bernstein	Eppig	Mulry	Sargent	Ward	
Blauvelt	Fobes	Newburger	Saxe J G	Webber C A	
Bockes	Frank	Nicoll C	Saxe M	Westwood	
Brenner	Green	Nicoll D	Schoonhut	White C J	
Bunce	Greff	Nixon	Sears	Wickersham	
Burkan	Haffen	Nye	Sharpe	Wiggins	
Buxbaum	Jones	O'Brian J L	Sheehan	Williams	
Byrne	Kirk	O'Brien M J	Shipman	Winslow	
Cobb	Landreth	Olcott	Slevin	Wood	
Coles	Lateon	Parker	Smith A E	Young F L	105

THOSE WHO VOTED IN THE NEGATIVE

Allen F C	Cullinan	Hale	Meigs	Smith E N	
Barnes	Deyo	Johnson	Mereness	Steinbrink	
Berri	Dunlap	Kirby	Ostrander	Wadsworth	
Betts	Dunmore	Marshall	Pelletreau	Young C H	
Brackett	Ford	Martin L M	Schurman	President	25

The hour of adjournment having arrived, the President declared the Convention adjourned.

THURSDAY, AUGUST 5, 1915

The Convention met pursuant to adjournment, the President in the chair.

Prayer by Rev. Henry A. Miller.

On motion of Mr. Wickersham, the journal of Tuesday, August 3rd, was approved.

Mr. Wickersham moved to reconsider the vote by which the report of the Committee of the Whole in favor of the passage of proposed amendment (No. 741, Int. No. 697) entitled "Proposed constitutional amendment to amend Section six of Article III of the Constitution, in relation to the compensation and expenses of members of the Legislature," was agreed to.

Mr. President put the question whether the Convention would agree to said motion to reconsider, and it was determined in the negative.

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THOSE WHO VOTED IN THE AFFIRMATIVE:

Allen F C	Dow	Martin L M	Parmenter	Steinbrink	
Angell	Dunmore	Marshall	Parsons	Tanner	
Berri	Fancher	Meigs	Pelletreau	Wadsworth	
Betts	Ford	Mereness	Quigg	Wickersham	
Brackett	Johnson	O'Brian J L	Rhees	Young C H	
Cullinan	Kirby	Olcott	Schurman	President	
Deyo	Low	Ostrander	Smith E N		34

THOSE WHO VOTED IN THE NEGATIVE:

Adams	Curran	Landreth	Reeves	Stimson	
Aiken	Dahm	Latson	Richards	Stowell	
Austin	Daly	Law	Rodenbeck	Tierney	
Baldwin	Dennis	Leary	Rosch	Tuck	
Bannister	Dick	Leggett	Ryan	Unger	
Barrett	Donovan	Lennox	Ryder	Vanderlyn	
Baumes	Dooling	Lincoln	Sanders	Van Ness	
Bayes	Doughty	Linde	Sargent	Wagner	
Beach	Dykman	Lindsay	Saxe J G	Ward	
Bell	Eisner	McLean	Schoonhut	Webber C A	
Blauvelt	Eppig	Martin F	Sears	Westwood	
Bockes	Fobes	Mathewson	Sharpe	Wheeler	
Brenner	Foley	Newburger	Sheehan	Whipple	
Burkan	Franchot	Nixon	Shipman	White C J	
Buxbaum	Frank	Nye	Slevin	Wiggins	
Byrne	Greff	O'Brien M J	Smith A E	Williams	
Clearwater	Griffin	Owen	Smith R B	Winslow	
Clinton	Haffen	Parker	Smith T F	Wood	
Cobb	Harawitz	Phillips J S	Stanchfield	Young F L	
Coles	Jones	Potter	Standart		99

Mr. Landreth presented a memorial from the residents of the Thirty-first Senatorial District, which was referred to the Committee on Civil Service.

Mr. Linde presented a memorial from the residents of the Tenth Senatorial District, which was referred to the Committee on Civil Service.

Mr. Schoonhut presented a memorial from the residents of the county of Erie, which was referred to the Committee on Civil Service.

Mr. Byrne presented a memorial from the residents of the Fifth Senatorial District, which was referred to the Committee on Civil Service.

Mr. Griffin presented a memorial of the residents of the Twenty-second Senatorial District, which was referred to the Committee on Civil Service.

Mr. Donovan presented a memorial of the residents of the Twenty-first Senatorial District, which was referred to the Committee on Civil Service.

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Mr. Marshall offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Charities be discharged from the further consideration of proposed amendment (No. 331, Int. No. 327) entitled "Proposed constitutional amendment to amend Sections eleven, twelve, thirteen and fifteen of Article VIII of the Constitution, in relation to the State Board of Charities, providing for visiting and inspecting of public and private institutions and societies," and that said motion lie upon the table.

Mr. President put the question whether the Convention would agree to said motion to lay upon the table, and it was determined in the affirmative.

Mr. Blauvelt offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee of the Whole be discharged from the further consideration of proposed amendment (No. 31, Int. No. 31) entitled "Proposed constitutional amendment to amend Article VII by adding a new section relating to highways."

which was agreed to.

Said proposed amendment having been announced, on motion of Mr. Blauvelt, the same was amended as follows:

Page 1, after the enacting clause and before line 1, insert the following paragraph:

"Article seven of the Constitution is hereby amended by inserting therein at the end thereof a new section to be section thirteen to read as follows:"

Page 1, line 1, strike out the matter preceding the section mark.

Page 1, line 3, before "section" insert "law enacted under".

Page 1, line 7, strike out everything after the comma and all of lines 8 to 11, inclusive, and insert in place thereof "shall be applied by the State Commission of Highways to the construction and improvement of such State routes and portions thereof, as defined by law when said bonds were authorized, and located outside of said counties, as it may deem expedient."

Change the entire section to italics including the foregoing inserts.

Ordered, Reprinted and recommitted to said committee.

Mr. Cullinan, from the Committee on Suffrage, to which committee were referred several proposed constitutional amendments relative to the registration of absent electors, reported by proposed

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constitutional amendment entitled "Proposed constitutional amendment to amend Section four of Article II of the Constitution, in respect to the enactment of election and registration laws" (Int. No. 711), which was read twice, and said committee reports in favor of the passage of the same, which report was agreed to, and said proposed amendment ordered printed and referred to the Committee of the Whole.

Mr. Wadsworth, from the Committee on Charities, to which was referred proposed amendment introduced by Mr. Steinbrink (No. 378, Int. No. 371), entitled "Proposed constitutional amendment to amend Section eleven of Article VIII of the Constitution, in relation to the duties and powers of the State Commission in Lunacy," reported in favor of the passage of the same, with the following amendments:

Page 1, line 11, after the word "lunacy" insert in italics the word "in"; also, strike out the words "continue to have" and in place thereof insert in italics the word "remain".

Page 2, line 4, strike out the word "the".

which report was agreed to, and said proposition ordered reprinted as amended, and referred to the Committee of the Whole.

Mr. Wadsworth, from the Committee on Charities, presented the following memorandum:

ALBANY, N. Y., *August* 4, 1915

To the Delegates to the Constitutional Convention:

The Committee on Charities of the Constitutional Convention desires to call your attention to the provisions of the enclosed amendment (No. 378, Int. No. 371), introduced by Mr. Steinbrink, and hereby reported for your favorable consideration.

The importance of the department for the insane is shown by the fact that it includes 14 hospitals, over 33,000 patients, 6,000 employees and 200 medical officers. The appropriations necessary for caring for the insane and providing for their proper accommodation during the next fiscal year amount to approximately eight and one-half million dollars. The total number of admissions to the hospitals during the last fiscal year amounted to 7,956 and the discharges to 7,264. The average annual increase in population has amounted to about 800 patients during the last fifteen years. This is now the largest undertaking of a medical and curative nature maintained by any government in the world, and by the time of the next Constitutional Convention the population of

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the hospitals will undoubtedly reach 50,000 or 60,000 and the number of employees 10,000.

The accompanying proposal amends Section 11 of Article VIII of the present Constitution and continues " a state commission in lunacy in which shall remain the management and fiscal control of the state hospitals for the insane (not including institutions for criminals and convicts) except insofar as such management may now or hereafter be delegated by the legislature to local boards of managers."

Section 11, as it reads at present, authorizes the State Commission in Lunacy to visit and inspect all institutions either public or private used for the care and treatment of the insane (not including institutions for epileptics or idiots).

Section 13 of the Constitution of 1894 provided that " existing laws relating to institutions referred to in the foregoing sections and to their supervision and inspection, insofar as such laws are not inconsistent with the provisions of the Constitution, shall remain in force until amended or repealed by the Legislature." This section indicates that the Constitution of 1894 intended to recognize not only the power of the Commission to visit and inspect institutions for the insane, but fully recognized the financial control of the institutions conferred upon the Commission by the Legislature in 1893 and the general administrative jurisdiction over the hospitals authorized by other statutes.

The Commission in Lunacy has had entire administrative and financial control of the State hospitals for the insane since 1893. You will observe that the provisions of the proposed amendment as submitted by this Committee merely continue the powers conferred upon the Commission in Lunacy by the Legislature prior to the amendments of 1894 and recognized in the Constitution at that time. Your Committee, after careful study of the administration of the hospitals for the insane, is firmly of the opinion that the present methods of management and control should be continued and should be clearly defined in the Constitution. The hospitals for the insane should be kept entirely out of the domain of politics and should not be liable to radical changes which, at the present time, may be made at any session of the Legislature.

As a result of several public hearings held by the Committee, and investigations by sub-committees, and numerous communications which have been received from the friends and relatives of patients in the hospitals for the insane, it is convinced that those who are most concerned in the welfare of the hospitals are unanimously opposed to any change in the present methods of administration. The public hearings held by this Committee were attended by members of the boards of managers of all the hospitals, superintendents of a number of these institutions as well

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as representatives of various charitable, medical and other organizations. The Committee has also consulted many other acknowledged authorities familiar with the affairs of the institutions and the history of the hospital service, and finds that their views are fully in accord with those already expressed by us.

After a careful investigation of the subject this expression of views would seem to voice the sentiments of the entire people of the State.

While various propositions relating to the administration of the hospitals and charitable institutions of the State have been submitted to this Committee, we are of the opinion that the amendment which we are recommending for your approval is the only one which should be contemplated at this time.

In addition to the duties mentioned above, the Commission in Lunacy also inspects at least twice a year the institutions for insane criminals and convicts as well as twenty-four licensed private institutions.

An evidence of the standards maintained by this Department is shown by the recent award by an international jury at the Panama-Pacific Exposition of the highest prize to the State hospitals of New York.

The economical administration in the expenditure of these funds appears from the fact that the average annual per capita cost of maintenance of the insane in the hospitals was only $208.91 during the last fiscal year, or, in other words, fifty-seven cents per day.

The entire care of the insane was undertaken by the State in 1889, at which time there was an insane population in the hospitals of 16,000. Since then it has grown to 33,000.

The magnitude of this undertaking as shown by these figures is such as to clearly indicate the inadvisability of combining this Department with any other. Consolidation without beneficial result is folly. To consolidate merely to promote an idea is without sound reason. Where a department or branch of government has attained a point of efficiency which marks the apex in the present state of the development of medical science at the very minimum cost, it necessarily follows that to combine its activities with those of other departments leads inevitably either to an impairment of its efficiency or an increase in cost of maintenance and probably to both.

The high standard of efficiency in the New York State hospitals as a result of the administration, which we propose to continue, has been such that it has been copied by others, and it is universally acknowledged that the care of the insane in New York has reached

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a higher standard than in any other State. The cost of caring for the insane in this State is lower than that in other States where the standards are not so high.

The history of the Department shows that the hospitals for the insane were governed by local boards of managers for thirty years, by a single Commissioner for sixteen years and by a Commission as constituted at the present time for twenty-six years.

The present method of administration was adopted by the Legislature after a careful investigation of the conditions prevailing in the State institutions, by a Senate committee.

The Charities Committee is therefore firmly of the opinion that there is not only no indication of a necessity of any change in the present method of government of the Department, but that any changes would be highly unwise and would seriously threaten the welfare of the insane wards of the State. To inaugurate a system of care in this State which has proved unsatisfactory in others would be highly disastrous.

We therefore urge upon the Convention the wisdom of continuing a form of government of the hospitals for the insane which has stood the test of the last twenty-six years and which seems to meet with the entire approval of the people of the State.

J. W. WADSWORTH,
Chairman.

Mr. Wadsworth, from the Committee on Charities, presented the following report:

The Committee on Charities, after giving public hearings to each amendment submitted to it, and after careful consideration of the same, beg leave to report that it is the opinion that, with the exception of amendment No. 378, already reported favorably, no further amendment should be made to the provisions of the existing Constitution relating to the subject of charities.

J. W. WADSWORTH,
Chairman.

which report was agreed to.

Mr. Wagner presented the following report:

MINORITY REPORT

I disagree with the report of the Finance Committee in that its conclusions and recommendations are in many substantial respects inadequate and inconsistent.

More particularly I submit that the report of the majority deprives the Legislature of the power which finds expression in the

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Federal Constitution, the father and mother of our state constitutions, to the effect that all appropriations should originate in the legislative branch of the government elected by and representative of the people who pay the taxes. Though this sentiment may not have been written in the letter, it has existed in the spirit of our State Constitution. The producers of public money should retain control of the public purse strings. This was the contention of the Barons who wrenched the Magna Charta from King John and in all the intervening years this policy has been the cornerstone of the structure of legislative government.

The majority report admits that the two prime requisites for a State budget are accurate information and complete publicity; and yet the constitutional provision which it proposes secures neither. It admits that the great need of our State finances is a scientific budget and then it proposes a budget without science. It recognizes the evil of the present system of basing appropriations largely upon conjecture and yet it provides for a "guess" by the heads of the departments followed by a "guess" by the Governor, with the points of political advantage always in sight.

The report complains that appropriations are now made on "requests" and then continues the very evil of which it complains in substance though it changes it in form.

Facts for a scientific budget can and should be secured by the same method through which they are secured in a court or in any other tribunal of public moment and civic interest. Such a method is embodied in the proposal introduced by Mr. A. E. Smith, Pr. 345.

The report holds that the Legislature is not the proper branch of government wherein appropriations should originate. While contending in one place that the Legislature should not surrender its historic control of the public purse strings, the report asserts in another place that the Legislature is not the proper branch of government to originate appropriations. If the Legislature be not the proper place to originate appropriations, then it would seem the United States has been traveling upon the wrong path for 130 years and still continues to pursue its devious way; if the Legislature be not the proper branch of government to originate appropriations, for a century or more the Legislature of New York has been exercising a duty erroneously given to it. Even before New York became a State, the colonial governors sent over here by the King of England voiced the sentiments which this report now approves. But the early colonists did not approve it. All the statesmen who have since helped make New York the Empire State of the Union did not approve it.

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The majority report states that "a real budget program presented by the Executive to the Legislature should receive and in other countries does receive criticism and suggestions, even from its own party members". I submit that the application of the word "Executive" as applied to the budgets referred to is not warranted by the definition of the word "executive" in any standard dictionary of the English language, and I further submit that in the principal countries referred to the "budget" is really a "parliamentary" and not an "executive budget".

The prevailing report asserts that the present method of appropriation destroys publicity and opportunity for debate. Yet it is obvious that the proposed method secures publicity on routine matters of administration, where publicity is least needed and gives no guaranty whatever of publicity on special appropriations where publicity is vital to economy. Neither does it make adequate provisions for open and thorough debate.

The majority report complains further that appropriations are rushed through in the final hours of the session, but it fails to recommend a provision like the one to be found in the Constitutions of Louisiana and Mississippi, making it impossible to pass any appropriations during the last five days of the session.

It deprecates the lack of consideration given to appropriation bills but it fails to set a time limit for the introduction of such bills, nor does it suggest a method of supplying exact and scientific information to the members of the Legislature.

It states that the historic function of the Legislature is to hold the purse-strings of the State and it then proceeds to hand this historic function over to the Governor and make the Legislature a mere rubber-stamp on budget appropriations.

It condemns the present power of the Governor to punish opponents and to reward friends in the matter of appropriations, but it does not recommend a corrective for this abuse except in case of appropriations for mere matters of administration, thereby lodging in the Executive enormous possibilities thus to abuse his office.

It postulates the necessity of a "greater sense of responsibility" in appropriations, and then it discards the only method that can secure complete, open, definite and undeniable responsibility through compelling the heads of departments to swear to their estimates.

If this report is to be made the policy of the State, I suggest that it be carried to its logical conclusion. If publicity is desirable on mere matters of administration, it appears to me that it is

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especially desirable on special appropriation bills. If the Governor is to be prevented from making a political foot-ball of mere routine appropriations, he should be prevented from making a political foot-ball of special appropriation bills.

If I am correct in the opinions and conclusions heretofore expressed, it becomes manifest that the remedy proposed in the majority report is at best only partial and ineffective to consummate the desired financial reforms. I therefore respectfully submit to the Convention the following recommendations:

It is recommended that the legislature retain the power which it has always exercised of originating appropriations on the theory that the source from which the money comes should retain control of the money and dictate the manner of its expenditure within the proper constitutional limitations.

Without receding from the recommendation last expressed, it would seem that the method proposed in the majority report, being imperfect as it now stands, should be perfected by the following amendment: It should be required that the head of each department swear to his estimates and classify them in a division of necessities, desirabilities or contingencies, as the case may be, according to the suggestion made by Governor Glynn at a hearing before the Committee on State Finances. Such sworn estimates should be submitted to the Governor, the Comptroller and every member elected to the Legislature at least fifteen days before the Legislature convenes. This procedure is now in force in several States with good effect. Members of the Legislature intending to introduce special bills asking for appropriations should be required to file with the Governor, the Comptroller and the members of the Legislature within fifteen days previous to the convening of the Legislature a copy of the bill, stating the amount of money desired and the purpose for which it is to be expended. Fifteen days after the Legislature meets, it should be the duty of the Governor to submit a budget on these special bills with a message expressing his views thereon, just as the procedure proposed in the majority report provides in reference to matters of administration.

This treatment of special appropriation bills would certainly abolish the evil of which the report of the majority complains of permitting the Governor to reward friends or punish enemies by preference in the case of special appropriation bills.

In addition to a provision preventing the passage of any appropriation bill in the closing days of the Legislature, there should be a provision forbidding the introduction after the Legislature has convened of appropriation bills of any kind except by a report of a financial committee of either House of the Legislature.

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It is further recommended that special appropriation bills be not passed without a two-thirds vote of all the members elected.

It is further recommended that all items in appropriation bills be voted upon separately. This would insure the responsibility of action and the maturity of deliberation which the majority report emphasizes.

It is further recommended that a provision compelling the absolute itemization of every appropriation exceeding the sum of $10,000 be adopted.

Respectfully submitted,

ROBERT WAGNER.

Mr. Low, from the Committee on Cities, to which were referred the several Proposed Constitutional Amendments relating to Home Rule for cities, as follows:

No. 719, introduced by Mr. Wagner.
No. 187, introduced by Mr. Sanders.
No. 774, introduced by Mr. R. B. Smith.
No. 283, introduced by Mr. O'Brian.
No. 535, introduced by Mr. Low.
No. 335, introduced by Mr. Franchot.
No. 381, introduced by Mr. Mann.
No. 724, introduced by Mr. E. N. Smith.
No. 568, introduced by Mr. Eisner.
No. 629, introduced by Mr. Weed.
No. 698, introduced by Mr. Cobb.
No. 671, introduced by Mr. Green.
No. 678, introduced by Mr. Franchot.
No. 693, introduced by Mr. Berri.
No. 709, introduced by Mr. Fobes.

reports that the Committee held a number of hearings on them and on the subject matter embraced in such Proposed Constitutional Amendments. It has also been made a careful study of Article XII of the present Constitution, which article relates to the government of cities. The Committee reports by proposed amendment, entitled: "Proposed Constitutional Amendment to amend Article XII of the Constitution generally, in relation to cities and villages and their powers of self-government," (Int. No. 712), which was read twice, and said Committee reports in favor of the passage of the same which report was agreed to, and said proposed amendment ordered printed and referred to the Committee of the Whole.

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Mr. Franchot presented the following:

MINORITY REPORT OF THE COMMITTEE ON CITIES

To the Constitutional Convention:

The undersigned disagree with the report of the majority for the reasons hereafter given.

It is obvious that the proposal of the Committee is a result of compromise. Any criticism contained in this minority report is a criticism of that result, not of the efforts of the individual members of the majority. We are forced to disagree only because the composite result seems to us to violate the fundamental principles that must govern any measure designed to meet the widespread demand from the cities of the State, and especially from the city of New York, for increased power of self-government. This demand is based upon two principal causes of complaint: (1) interference with local affairs by the Legislature; (2) inadequate power over matters of city concern, even the most minute.

The relief demanded has been grouped concisely under two heads: First, power; second, protection. A proper proposal for Home Rule should in our judgment contain the following essentials, for which we have consistently contended:

First.— A BROAD GRANT TO CITIES OF POWER, EXCLUSIVE IN SUBSTANCE AS WELL AS IN FORM, TO REGULATE ITS LOCAL AFFAIRS, COUPLED WITH A PROHIBITION AGAINST SPECIAL LEGISLATION BY THE STATE WITH RESPECT THERETO.

Such grant is required to cure the following evils of the present system of city government:

(a) The burdening of the Legislature with local matters in which the State is not primarily concerned.

(b) The avoidance by local officers of responsibility for city government,— colloquially termed "passing the buck".

(c) The delay and consequent inefficiency in performing necessary city functions.

(d) The settlement of city problems away from home by legislators not responsible to the locality for such settlement and unfamiliar with such problems.

Such grant in order to cure these evils must obviously include the power of revision and amendment of charters and special city laws. Power without the machinery of government to exercise it is nil.

Second.— THE PRESERVATION OF STATE SOVEREIGNTY OVER CITIES THROUGH LEGISLATIVE CONTROL EXERCISED BY GENERAL LAWS.

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Home Rule for cities does not imply a divesting of State control over cities. We agree that the paramount authority of the State should be retained; we disagree only as to the method of its exercise. As to the matters not within the grant of power to cities, the Legislature should, of course, have plenary power as now. As to matters within the grant it should retain power to enact general laws. The retention of the right in the Legislature to nullify local action in purely local affairs is not necessary to adequate State control. We submit that the cities of the State have justified by experience their ability to administer their local affairs free from legislative check or authority. We do not sympathize with putting their citizens in a class with the inhabitants of the Philippine Islands. As citizens of the city they have the same capacity for self-government as they possess as citizens of the State.

Third.— THE EXPRESSION OF THE GRANT OF POWER IN SIMPLE, DIRECT AND SPECIFIC LANGUAGE SO AS TO AVOID CONFUSION AND ENDLESS LITIGATION IN DEFINING STATE AND CITY POWERS, AND THE MANNER OF THEIR EXERCISE.

Governmental power to be effective must be free from doubt. Constitutional amendments in most of the other states have made a grant of power to cities in general terms similar to those employed by the majority proposal, such as "local self-government", the right to regulate "local affairs" or "municipal affairs". Judicial construction has everywhere been necessary to define the grant. A mass of conflicting decisions on important phases of city government in different states reveals that, by such general grant to cities, governmental powers are divided into three classes:

(a) Those clearly granted to cities;
(b) Those clearly reserved to the State; and
(c) Those which are neither clearly granted nor reserved.

We favor a specific assignment of this last class of powers either to the city or to the State. This assignment should be by the Convention as a matter of governmental policy and not left to the uncertainty and delay of piecemeal judicial construction. We are confident that, profiting by the experience of other states, a proposal can be drafted which performs this task.

Fourth.—THE RIGHT TO EACH CITY AT ITS OPTION TO CONTINUE AS A LEGISLATIVE CHARTER CITY OR BECOME A HOME RULE CITY.

Home Rule should not be forced upon any community. There may be a sentiment in some cities against a change in the present

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system of city government. On the other hand other cities have expressed a desire for a change. Both can be satisfied. To subject the desire of either class to that of the other would be hostile to the very principle for which we contend. The grant, therefore, should be optional.

Considered in the light of these fundamental principles the proposal of the majority fails in the following particulars:

First.— No grant of exclusive power to cities is made except possibly as to a few minor matters which might be so held by the courts. The extent to which the control over officers and employees as defined in subdivision "a" of section 3 can be exercised by municipal action without "changing the framework" of the city government is left in doubt. If the courts hold (as we think they would) that a redistribution of powers and duties among officers or departments, or an increase or decrease in their number is a "change of framework of government," there would remain nothing exclusively in the control of the municipality except the qualifications, mode of selection, terms of office, compensation and method of removal of officers and employees. If this is the extent to which Home Rule is to be granted, the Constitution should so state simply and directly.

Furthermore, the Committee has recognized to such an extent the necessity of hedging about with restrictions the exercise of the power of amendment by local authorities as to make it very difficult to adopt any change at all. Amendments to the charter are subject to the veto of one official, the Mayor of the city, and no provision is made for overriding his disapproval of a charter change. Thus, conflicting interests of different bodies or officials on whom the power is jointly conferred will tend to defeat its exercise. This further demonstrates the impracticability of providing for the adoption of separate amendments by the local authorities of a city.

Passing to general charter revision we find that it would take approximately three years between the first proposal for a charter revision and its final enactment into law. After the draft is prepared by the charter commission, it is to be approved by the people. If approved by the people, it is submitted to the Legislature. If not disapproved by the Legislature within sixty days it takes effect as law. The Legislature may thus destroy the entire work in charter reform by its disapproval. The approval of electors of a city should in our judgment be final. It would be possible to provide that, if the charter was defective or not in accordance with State policy, it be returned to the Commission for further revision. We submit that this phase of the plan is wasteful and impracticable. Under the proposal it would be possible,

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however, without the necessity of a Revision Commission, for the charter to be completely amended by concurrent action of the Mayor, the local legislative body, and the Board of Estimate, if any, and the failure of the Legislature to nullify.

After the Constitution takes effect on January 1st, 1916, no amendment to the framework of any city charter could be made until March 1st, 1917, and not even a very necessary change in a city charter could be made after the first week of any session until the following legislative year. New York city during the last session was compelled to apply immediately before adjournment for special and urgent relief in connection with the building of its subways. The existence of the Majority's proposal would prevent such emergency action. It is apparent that the nullification scheme fails to obviate any of the existing evils. The Legislature will continue to be burdened with local matters, local officers will continue to side-step responsibility, delay and consequent inefficiency will continue, and any change involving matters of importance will still be finally settled away from home.

Second: The language of the grant will breed hopeless doubt, uncertainty and confusion and throw into the courts the determination of the exercise of the respective powers of city and State in this respect:

(a) It fails to define the line between powers granted to a city and those reserved to the State. As to such matters as taxation, the issuance of bonds, the regulation of the operation of privately owned public utilities, the acquirement of public utilities by the city or the exercise of the power of eminent domain, acts of a given administrative officer will depend for their validity upon the validity of the grant of authority to him to act. If granted by the Legislature, claim could be made that they should have been granted by the city; if granted by the city, *vice versa*.

(b) It has injected a further element of doubt and confusion by providing two methods by which municipal action may be taken as to matters determined to be within the grant of power to cities to regulate its "property, business and local affairs." If such action involves a change in "framework of its government" it must be submitted to the Legislature for possible nullification. The classification made is illogical and unscientific. For example, matters of important State concern, such as the recall of public officers, are left for determination by the local authorities in the use of the words "method of removal," while matters of no importance to the State must be submitted to the Legislature. Two questions, therefore, may always be raised as to any act of an official authorized by an amendment of the

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charter made by the local authorities: (1) Is the power to fix such provisions included in the grant to the city? and (2) can such power be validly exercised by the local legislative authorities without submission to the State Legislature?

(c) Finally, it has injected an even more serious element of doubt by providing that the Legislature may pass special city laws relating to the "*government*" of municipalities. Just how laws relating to "*government*" differ from laws relating to "property, business and local affairs" of cities no one can say. Certainly the present abuse in the introduction and passage of special laws affecting cities will continue, and the courts in order to sustain the constitutionality of such legislative acts will be forced narrowly to limit the group of subjects included within the words "property, business and local affairs". The ordinary meaning of the word "government" comprehends the officers to administer it and "framework" to support it, and thus its use hopelessly muddles the meaning of this "exclusive" grant of power and the manner in which it is to be exercised.

If you subtract from the acts relating to the "property, business and local affairs" of the city the acts relating to its "government", the result is zero. This seems to us the exact measure of exclusive control granted to cities by the proposed amendment. It is only fair to state that this provision of the proposal was inserted for the purpose of preserving the present suspensive veto provisions of the Constitution as to special laws affecting matters of State concern. It is our opinion that it accomplishes this purpose only at the cost of practically destroying the exclusive nature of the grant. Since the vast majority of governmental acts must affect the rights of property and of personal liberty, and involve financial responsibility on the part of the city, we may be sure that such questions as above indicated will endlessly be raised.

In sum, the proposal begins with a promise of complete Home Rule to cities, but one reaches the end only to discover that it is but a declaration of principle and that the limitations subsequently imposed effectively destroy the first impression and promise. If adopted it will tend to throw into confusion for the next ten years the exercise of power by city government throughout the State. Such a measure does not confer genuine Home Rule, does not eliminate mandatory legislation affecting cities, narrows instead of widens the present sphere of local control by municipalities.

Respectfully submitted,

JAMES A. FOLEY,
EDWARD E. FRANCHOT.

CAPITOL, ALBANY, N. Y., *August* 5, 1915.

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Mr. Berri offered for the consideration of the Convention a resolution, in the words following:

Resolved, That, beginning with Number 757, there be printed five hundred (500) extra copies of all proposed amendments to the Constitution, including reprints.

Further Resolved, That there be printed three hundred (300) extra copies of the following numbers of the Record, to wit: Numbers 2, 3, 5, 6, 9, 13, 31, 39 and 44 to 61 inclusive.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. Barnes, from the Committee on Legislative Powers, to which was referred proposed amendment introduced by the Committee on Legislative Powers (No. 770, Int. No. 696) entitled "Proposed constitutional amendment to amend, generally, Article III of the Constitution, following Section nine of such article," reported in favor of the passage of the same, without amendment, which report was agreed to, and said proposition referred to the Committee of the Whole.

On motion of Mr. Wickersham, the Convention resolved itself into a Committee of the Whole for the consideration of the Special Order, being "Proposed constitutional amendment to amend Sections 2, 4, 5, 11 and 12 of Article VII of the Constitution, in relation to debts contracted by the State." (Printed No. 777.)

After some time spent therein, the hour of 1 o'clock P. M. having arrived, the Convention took a recess until 2:30 o'clock P. M.

TWO O'CLOCK AND THIRTY MINUTES P. M.

The Convention again convened.

Mr. Wickersham moved that if, when the hour of five o'clock and thirty minutes P. M. shall have arrived, the Committee of the Whole shall not have concluded its consideration of the Special Order of the day that the Convention do then take a recess until eight o'clock and thirty minutes P. M., at which time the consideration of the special order shall be resumed.

Mr. President put the question whether the Convention would agree to said motion, and it was determined in the affirmative.

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By unanimous consent, Mr. Dow offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee of the Whole be discharged from the further consideration of Proposed Amendment (No. 773, Int. No. 708) entitled "Proposed constitutional amendment to insert in the Constitution a new article in relation to the conservation of natural resources."

which was agreed to.

Said Proposed Amendment having been announced, on motion of Mr. Dow the same was amended as follows:

Page 2, line 17, after the word "compensation" insert a period and strike out the three remaining words.

Strike out all of lines 18, 19, 20 and 21.

Insert on line 17 in the place of the matter stricken out, the following, in italics: "The Legislature shall not at any time exempt from the regulations of the civil service, any employees of the Conservation Department except the superintendent, temporary emergency employees and laborers."

On page 4, strike out lines 4 to 11, and insert in place thereof the following, in italics: "Section 5. The Legislature shall annually make provision for the purchase of real property within the Adirondack and Catskill Parks as defined by law, the reforestation of lands, and the making of boundary and valuation surveys."

Ordered, Reprinted and recommitted to said committee.

The Convention again resolved itself into a Committee of the Whole and proceeded with the consideration of the Special Order, being Proposed Amendment entitled "Proposed constitutional amendment to amend Sections 2, 4, 5, 11 and 12 of Article VII of the Constitution, in relation to debts contracted by the State." (Printed No. 777.)

After some time spent therein, the hour of five o'clock and thirty minutes, P. M., having arrived, The President resumed the chair.

By unanimous consent, on motion of Mr. Latson, the Convention determined to again resolve itself into a Committee of the Whole to finish the consideration of the Special Order of the day.

The Convention thereupon again resolved itself into a Committee of the Whole and proceeded with the consideration of the

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Special Order, being Proposed constitutional amendment to amend Sections 2, 4, 5, 11 and 12 of Article VII of the Constitution, in relation to debts contracted by the State." (No. 777.)

After some time spent therein, the President resumed the chair, and Mr. McKinney, from said committee, reported in favor of the passage of the same with amendments, which report was agreed to and said proposition ordered reprinted as amended and ordered to a third reading.

Mr. C. A. Webber offered for the consideration of the Convention a resolution, in the words following:

Moved, That in the printing of the daily calendar the pending amendments to Int. No. 679, Print. No 756, General Order No. 28, from the Committee on Taxation, which were omitted from today's Calendar, be printed until the said amendments are disposed of upon the resumption of the consideration of the said bill in General Orders.

which was agreed to.

On motion of Mr. Wickersham, the Convention adjourned until Friday, August 6, at ten o'clock A. M.

FRIDAY, AUGUST 6, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. Charles L. Hall.

On motion of Mr. Wickersham, the journal of Wednesday, August 4th, was approved.

Mr. Ward presented the memorial of residents of the Seventh Senatorial District, which was referred to the Committee on Civil Service.

Mr. Bannister presented the memorial of residents of the Sixth Senatorial District, which was referred to the Committee on Civil Service.

Mr. L. Martin presented the memorial of the residents of the Thirty-sixth Senatorial District, which was referred to the Committee on Civil Service.

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Mr. Westwood presented the memorial of the Western New York Volunteer Firemen's Association, which was referred to the Committee on Civil Service.

Mr. Westwood presented the memorial of the Western New York Volunteer Firemen's Association, which was referred to the Committee on Bill of Rights.

Mr. Winslow presented the memorial of the residents of the Twenty-fourth Senatorial District, which was referred to the Committee on Civil Service.

Mr. Bayes presented the memorial of the residents of the Eighth Senatorial District, which was referred to the Committee on Civil Service.

Mr. Ryan presented the memorial of the residents of the Second Senatorial District, which was referred to the Committee on Civil Service.

Mr. S. K. Phillips, from the Committee on Contingent Expenses, to which was referred the resolution offered by Mr. Hinman, July 29, 1915, relative to the appointment of Joseph V. Allen as Chief of Pages, reported in favor of the adoption of the same with the following amendments:

Resolved, That Joseph V. Allen, heretofore appointed page, and for some time past acting as Chief of Pages, be and he hereby is appointed Chief of Pages, at a compensation of $3.00 a day, said compensation to date from July 1, 1915.

The President put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative.

Mr. S. K. Phillips, from the Committee on Contingent Expenses, to which was referred the resolution relative to printing as a document the speeches made by William D. Guthrie, D-Cady Herrick and George W. Wickersham, before the Suffrage Committee, on the subject of nominations by Convention system, reported in favor of the adoption of the following resolution:

Resolved, That there be printed as a document of this Convention the speeches made by William D. Guthrie, D-Cady Herrick and George W. Wickersham, made before the Suffrage Committee, on the subject of nominations by Convention system.

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Mr. President put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative.

The President announced the General Orders and the Convention resolved itself into a Committee of the Whole for the consideration of the special order being "Proposed constitutional amendment to insert in the Constitution a new article in relation to the conservation of natural resources." (No. 785, Int. No. 708.)

After some time spent therein, the President resumed the chair and Mr. J. G. Saxe, from said committee, reported progress and asked leave to sit again.

Mr. President put the question on granting leave to sit again, and it was determined in the affirmative.

Mr. J. L. O'Brian offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the following proposed amendments to the Constitution on the General Orders Calendar be made special orders for the time specified:

General Order 44, if not sooner disposed of, Monday morning, August 9.

General Orders 30, 31 and 33 (Militia) the session of Monday, August 9th, following General Order 44.

General Order 43, Monday afternoon, August 9th, following General Order 33.

General Order 46, Monday evening, following General Order 43 and Tuesday.

General Order 28, Wednesday, August 11th, following General Order No. 25.

General Order 50, Thursday morning, August 12th, and Friday.

General Order 38, Saturday morning, August 14th.

Mr. J. G. Saxe moved to amend by inserting between lines 11 and 12 the following:

"General Order 48 following General Order No. 46 Tuesday." which amendment was agreed to.

The President then put the question whether the Convention would agree to said resolution as amended, and it was determined in the affirmative.

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Mr. J. L. O'Brian offered for the consideration of the Convention a resolution, in the words following:

Resolved, That on and after Monday, August 9th, the Convention sit from 10:00 A. M. to 1:00 P. M., from 2:30 P. M. to 5:30 P. M. and from 8.30 P. M. to 10:30 P. M., except Saturdays, on which days the Convention sit from 10:00 A. M. to 1:00 P. M. and from 2:30 P. M. to 5:30 P. M.

Resolved, That when the Convention adjourn today it adjourn until Monday, August 9th, at ten A. M.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

The hour of one o'clock P. M. having arrived, the Convention took a recess until two o'clock and thirty minutes P. M.

TWO O'CLOCK AND THIRTY MINUTES P. M.

The Convention again convened.

Mr. Quigg moved that hereafter debate in the Committee of the Whole be limited to fifteen minutes for each member, which was referred to the Committee on Rules.

Mr. Marshall moved that the session of this afternoon be extended until six o'clock and thirty minutes P. M., and if the Special Order of the day be not disposed of at that time the Convention take a recess until eight o'clock and thirty minutes P. M. for the completion of consideration of said Special Order, which was agreed to.

Mr. Barnes offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee of the Whole be discharged from the further consideration of Proposed Amendment (No. 754, Int. No. 701) entitled "Proposed constitutional amendment to amend Article III of the Constitution, relating to the powers of the Legislature."

which was agreed to.

Said Proposed Amendment having been announced, on motion of Mr. Barnes, the same was amended as follows:

Page 1, line 7, before the word "services" insert "materials furnished or".

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Page 1, line 8, strike out the word "political" and insert the word "civil"; also strike out the period at end of line and insert the words "or in recognition of such service."

Ordered, Reprinted and recommitted to the Committee of the Whole.

The Convention resolved itself into a Committee of the Whole and continued the consideration of the special order, being "Proposed constitutional amendment to insert in the Constitution a new article in relation to the conservation of natural resources." (No. 785, Int. No. 708.)

After some time spent therein, the hour of six o'clock and thirty minutes P. M. having arrived, the Convention took a recess until eight o'clock and thirty minutes P. M.

EIGHT O'CLOCK AND THIRTY MINUTES P. M.

The Convention again convened and proceeded in the Committee of the Whole with the consideration of the Special Order, being "Proposed constitutional amendment to insert in the Constitution a new article in relation to the conservation of natural resources." (No. 785, Int. No. 708.)

After some time spent therein, the President resumed the Chair, and Mr. J. G. Saxe, from said committee, reported progress and asked leave to sit again on Monday next and resume consideration of said Special Order.

Mr. President put the question on granting leave to sit again, and it was determined in the affirmative.

On motion of Mr. J. G. Saxe, said Special Order, being "Proposed constitutional amendment to insert in the Constitution a new article in relation to the conservation of natural resources" (No. 785, Int. No. 708), was ordered reprinted to conform with the amendments made in the Committee of the Whole.

On motion of Mr. J. G. Saxe, the amendments offered in the Committee of the Whole by Mr. Blauvelt and Mr. Angell and pending at the time the committee rose were ordered printed on the Calendar.

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Mr. Lindsay moved that the Convention resolve itself into a Committee of the Whole for the consideration of General Order No. 43.

Mr. President put the question whether the Convention would agree to said motion, and it was determined in the negative.

On motion of Mr. J. G. Saxe, the Convention adjourned.

MONDAY, AUGUST 9, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. J. Addison Jones.

On motion of Mr. Wickersham, the Journal of Thursday, August 5th, was approved.

The President presented the memorial of the Medico-Legal Society of New York, which was referred to the Committee on Judiciary.

Mr. Mereness presented the memorial of residents of the Thirty-second Senatorial District, which was referred to the Committee on Civil Service.

Mr. Heaton presented the memorial of residents of the Twenty-ninth Senatorial District, which was referred to the Committee on Civil Service.

Mr. Linde presented the memorial of residents of the Borough of Brooklyn, which was referred to the Committee on Civil Service.

Mr. Lindsay presented the memorial of the residents of the Forty-seventh Senatorial District, which was referred to the Committee on Civil Service.

Mr. Cobb presented the memorial of the residents of the Fortieth Senatorial District, which was referred to the Committee on Civil Service.

Mr. Curran presented the memorial of the Forty-fifth and Forty-sixth Senatorial Districts, which was referred to the Committee on Civil Service.

Mr. Latson offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee of the Whole be discharged from

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the further consideration of Proposed Amendment (No. 763, Int. No. 532) entitled "Proposed constitutional amendment to amend Section 1 of Article XI of the Constitution, in relation to the composition of the State militia."

which was agreed to.

Said Proposed Amendment having been announced, on motion of Mr. Latson, said proposition was recommitted to the Committee on Militia and Military Affairs.

Mr. J. L. O'Brian offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Secretary cause to be printed forthwith 1,000 extra copies of the amendment proposed by the Committee on Cities. (General Order No. 50.)

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. J. L. O'Brian, from the Committee on Rules, presented the following report:

The Committee on Rules, to which was referred the resolution offered by Mr. Quigg, in relation to limiting debate, reports that it has given consideration to the resolution; that the committee is of the opinion that discussion by the Convention has not advanced sufficiently to make expedient at this time the limitation of debate proposed by Mr. Quigg, and the committee therefore reports adversely upon said resolution.

which report was agreed to.

Mr. Low, from the Committee on Cities, to which were referred Proposed Constitutional Amendments (Int. No. 411, Printed No. 423), introduced by Mr. Wiggins, in relation to city sinking fund; (Int. No. 455, Printed No. 467), introduced by Mr. Baldwin, in relation to the regulation of the issue of city securities; and (Int. No. 665, Printed No. 681), introduced by Mr. Sanders, in relation to the debt limit of cities, reports by Proposed Amendment entitled "Proposed constitutional amendment to amend Section 10 of Article VIII of the Constitution, by dividing it into two sections, to be known respectively as sections ten and eleven, by

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amending the second part thereof, and by adding a new section to be known as section twelve" (Int. No. 713), which was read twice, and said committee reports in favor of the passage of the same, which report was agreed to and said Proposed Amendment was ordered printed and referred to the Committee of the Whole.

The Convention resolved itself into a Committee of the Whole and proceeded with the consideration of the Special Order being "Proposed constitutional amendment to insert in the Constitution a new article in relation to the conservation of natural resources." (No. 787, Int. No. 708.)

After some time spent therein, the President resumed the Chair, and Mr. J. G. Saxe, from said committee, reported progress and asked leave to sit again on said Special Order.

On motion of Mr. Wickersham, the Convention took a recess until two o'clock and thirty minutes P. M.

TWO O'CLOCK AND THIRTY MINUTES P. M.

The Convention again convened.

Mr. Parsons, from the Committee on Industrial Interests and Relations, to which were referred the following Proposed Amendments, providing for the inclusion of occupational diseases as a subject for workmen's compensation: No. 23, introduced by Mr. Aiken; No. 383, Int. No. 376, introduced by Mr. Foley, and No. 569, Int. No. 554, introduced by Mr. Eisner, reported by Proposed Amendment entitled "Proposed constitutional amendment to amend Sections 18 and 19 of Article I of the Constitution, in regard to damages for injuries causing death, laws for the protection of the lives, health or safety of employees, and workmen's compensation for injuries or death, from accidents or occupational diseases" (Int. No. 714), which was read twice and said committee reported in favor of the passage of the same, which report was agreed to and said Proposed Amendment ordered printed and referred to the Committee of the Whole.

The Proposed Amendment adds occupational diseases to accidents as a subject of compensation to workmen and is in some respects an amendment as to form of the present workmen's compensation provision.

Although it may be that illness from an occupational disease is a subject for compensation under the present constitutional pro-

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vision for workmen's compensation, that is not certain. This will make it certain.

The theory of workmen's compensation is that injuries happen in industry, and that it is better for the employers and the employes, for the industry and for the public, that "a more just and economical system of providing compensation * * * to employes" should be substituted "for wasteful and protracted damage suits, usually unjust in their results either to the employer or the employee, and sometimes to both." (Opinion of Judge Miller writing for the Court of Appeals, in *Matter of Jensen,* Document No. 19.)

Occupational diseases are as likely to happen in some lines of work as accidents in others. The same arguments apply for compensation for occupational diseases as apply for compensation for injuries for accidents.

Occupational diseases may be due either to the substances with which workmen have to do, or to the conditions under which they must do their work.

The substances which are injurious to workmen are the metals, particularly lead, certain acids and soots.

Of the conditions of work which lead to disease, the best known is the so-called "bends", the disease of the sand-hog or caisson-worker.

It would be for the Legislature to enumerate the diseases for which compensation would be given.

Your committee submits that it is better draftsmanship to amend Section 18 in the manner now proposed than in the manner in which it is now done in Section 19, where it is supposed that Section 18 is amended by the provisions that the right to compensation under a workmen's compensation law is exclusive of other rights or remedies and that the law may provide that the amount of such compensation for death shall not exceed a fixed or determinable sum.

HERBERT PARSONS,
Chairman.

Mr. Parsons, from the Committee on Industrial Interests and Relations, to which was referred Proposed Amendment introduced by Mr. Franchot (Printed No. 766, Int. No. 131), entitled "Proposed constitutional amendment to amend Article V of the Constitution, by striking therefrom the provisions of Section 8 of said article, prohibiting the creation of offices for the weighing,

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gauging, measuring, culling or inspecting any merchandise, produce, manufacture or commodity whatever," reported as follows:

The Committee on Industrial Interests and Relations recommends the passage of the said Proposed Constitutional Amendment, with the following amendments:

In the title in line one, after the word "amend" and before the word "article" insert "section eight,"; and after the comma, following the word "constitution", strike out the residue of the title, and insert in place thereof the following: "in order to permit the non-compulsory inspection and grading of food products."

Page one, line seven, place brackets about the word "created".

which report was agreed to, and said Proposed Amendment ordered reprinted as amended and referred to the Committee of the Whole.

This section was inserted by the Constitutional Convention of 1846. Prior to that time there had been legislation which prohibited the export of certain articles unless they were first inspected. There was a fee for each inspection. The legislation was designed to give to products of New York State an advantage over products from other States through the supposed superiority of those from New York State. An army of officers grew up under it, and it became a most offensive provision. It was repealed by statute, and so strong was the feeling that this clause was inserted in the Constitution. It, of course, was intended to prevent officers for the *compulsory* weighing, gauging, measuring, culling or inspecting of merchandise, etc. The word "compulsory," however, was not inserted.

It is the opinion of the Attorney-General's office that the presence of the section in its present form might tend to defeat desirable legislation in order to protect producers and consumers of various food products. If, for instance in the large centers to which products are sent, it is desirable to establish a public market, in order to deal with the cost of living, to eliminate some of the middlemen, and for that purpose, to have goods brought to that market, classified according to standards which the market may establish for the convenience of both sellers and producers alike, it is doubtful whether, under this provision, the State could pay any officers who were selected to do such inspecting and standardizing. Under such an arrangement, it would not be compulsory upon anyone to submit their products to inspection, but unless they did so, they could not sell them at the market. We could not, for instance, under this section as it now reads, adopt the system which prevails in Illinois, where there are State officials with some such powers as these, and where the Chicago Board of Trade allows nothing to be sold upon it except under the standards and classifications determined by the State officials mentioned. Under

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the Illinois system, the situation there is said to be far better than the situation which, under the present provision of the Constitution, is possible here. This will merely make possible that system and will continue the constitutional provision with respect to food products in the form in which it was really intended to be, as adopted in 1864, where it was aimed to eliminate *compulsory* inspection, etc.

At a time when the problem of reducing the high cost of living is so acute over the entire country, it is in the last degree advisable, in the judgment of this committee, that the Legislature should be left free to meet that problem in such manner as it sees fit after a full and complete investigation of conditions. It is apparent from the hearings had before this committee that one of the most likely remediable measures to be adopted will be the establishment of local municipal markets under governmental control, and it was clearly demonstrated that no such market could be useful without the ability to fix grades and qualities of food products dealt in thereon. Section 8 of Article V of the Constitution in its present form stands directly in the way of any provision for this useful function.

HERBERT PARSONS,
Chairman.

Mr. Parsons, from the Committee on Industrial Interests and Relations, to which was referred Proposed Amendment introduced by Mr. A. E. Smith (No. 194, Int. No. 193), entitled "Proposed constitutional amendment to amend article 3 of the Constitution in relation to minimum wages," reported in favor of the passage of the same, with the following amendments:

In the title, strike out the word "minimum" and insert in lieu thereof the word "living", and after the word "wages", insert the words "to be paid to women and children".

In line 5, strike out the words "minimum or".

In line 6, strike out the word "or", and insert in lieu thereof the word "and".

which report was agreed to, and said Proposed Amendment ordered reprinted as amended and referred to the Committee of the Whole.

The number of poor persons in this State who are dependent upon public charity is markedly on the increase. In the year ending September 30, 1913, the number of persons supported in county, city and town almshouse institutions, or receiving temporary relief in the several counties of the State, was 403,991, and the expense therefor was $8,401,318.43. This enormous expense was incurred in pursuance of our historic policy of having the State responsible for the poor, a policy which is now set forth in

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the language of Section 2 of the Poor Law, that "a 'poor person' is one unable to maintain himself, and such person shall be maintained by the town, city, county or State * * *." The number of such persons who were objects of such public charity had increased 24 per cent. in number in the three years from 1910 to 1913, and the expense had increased 37 per cent. In the twenty years from 1890 to 1910, the number increased from 175,341 to 325,653, an increase of 85 per cent., and the expense increased from $3,319,865.25 to $6,096,958.95, an increase of 83 per cent., although the population of the State in the same period increased only 52 per cent. Legislation which will require that living wages be paid in industry is one method of checking and reversing this increase in number and expense.

To what extent in this State do employees receive less than a living wage, by which is meant a wage sufficient to supply the necessary cost of healthy living? We do not know. We do know, however, that there are many thousands. The State Factory Investigating Commission, which was authorized by the Legislature after the Triangle Shirtwaist Factory fire in New York city, studied the cost of living, and also gathered the wage schedules of 105,000 employees in certain trades. The conclusion reached by its investigators was that a living wage in New York city for a woman living independently should be $9 a week. Out of 45,000 department store employees receiving $50 a week or less, there were 13,000 women eighteen years of age or over who earned less than $9 a week. Fifty-three per cent. of all female employees of eighteen years of age or over in stock and sales received less than $9. Four thousand women of eighteen years and over employed in industrial lines were getting less than $8 a week, and averaged $5.79 a week. In half of the wage-earners' families that were investigated there was no male wage-earner. One-half of the people discovered in the investigation received less than enough to live properly and independently.

The following is a budget of the average expenditures for a girl who received $8 a week:

Average for clothes	$1 50
Room rent	2 00
7 breakfasts and 7 dinners	2 00
6 lunches	90
Carfares for 6 days	60
Allowance for insurance and medical care	25
Dues, reading and amusement	50
Savings	25
	$8 00

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Department store women are required to be neat in their appearance, so that the item of clothes is an important one. It will be noticed that the lunches average 15 cents each, and that if each breakfast averages 10 cents, each, there is not quite 20 cents for each dinner.

Insufficient wages mean that food is cut down below the level of healthy subsistence. This is illustrated by studies of family budgets. In a study of 200 families made some years ago in the Old Greenwich village section of New York city, it was found that in most families about a dollar a week for each person in the family not an infant was spent for food, except in the very poor or more prosperous families, that in the week in which the rent was paid, the allowance for food was frequently cut down, and that if a new pair of shoes or a new coat was necessary for one of the children, the food was apt to suffer. The 23 families whose incomes were less than $600 a year and who were independent of organized charity "were underfed, poorly clad and usually wretchedly housed." Most families lived from week to week. One hundred and fifty-three out of the 200 families had a deficit or just came out even at the end of the year. A family of this character is therefore "constantly on the verge of dependence — if not on the charity society — then on their relatives and friends, in case of any long unemployment or industrial depression."

Insufficient food means a weakened body, a less efficient worker and a greater predisposition to illness. Workers receiving such small wages have nothing to spend by way of preventing illness, and when it comes, nothing to spend to cure it. Less than living wages are therefore breeders of illness and dependency.

It cannot be definitely said that low wages lead to immorality. It is obvious, however, and investigation has confirmed it, that the temptations are less easily resisted when wages are insufficient.

The Factory Investigating Commission's investigation also showed that to raise 5,000 women in the large department stores who were receiving less than $9 a week to the $9 standard would mean an addition of only one-third of 1 per cent. in the selling price, and that to raise the mature women in the neighborhood stores to a wage of $9 a week and girls under eighteen to a wage of $6 a week, would only necessitate pricing articles at a full dollar instead of 99 cents.

Wages vary greatly. One department store paid 86 per cent. of its saleswomen $10 or more, and another paid 86 per cent. less than $10. There is a lack of standard of women's wages.

In principle, the living wage is not new. We apply it in government. Neither the Nation, the State nor any subdivision of the State offers employment to persons at the lowest wage they will take,— at wages insufficient for healthy subsistence. On the

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seem a stupid as well as inhumane policy for the State to employ labor at less than living wages, as it would mean that the laborers were likely later to become dependent upon the State. The living wage is applied by many of our largest corporations. They do not seek to obtain labor at the lowest wages possible. They fix a not less than living wage for all employees. The more enlightened employers find that higher wages mean greater production. One effect of the policy of allowing only living wages to be paid would be to compel the employer in his competition to strive to get the more efficient help and to employ only that which is efficient.

We have sought in the interest of the general welfare to protect employees by requiring that their work be carried on under sanitary conditions and that machinery be so guarded as to prevent accidents. We have prevented all competition among employers along lines not up to such standards. The living wage is designed to aid the general welfare by requiring that workers shall receive wages sufficient for healthy subsistence and to exclude from the realm of competition between employers, competition for labor at a less cost than what is a living wage to labor.

How does it serve the general welfare that people should be employed at less than living wages? What is to be gained by allowing competition for labor to be paid less than a living wage? If it is against public policy, as we declare that it is, to allow an employer to engage a woman to work excessive hours or under insanitary conditions, is it not equally against public policy to permit him to engage her for wages insufficient to provide the food and shelter without which she cannot continue in health? From the point of view of the employer one way of increasing his expenses is the same as another, while to those concerned with the public welfare, the permanent efficiency of industry, and the maintenance of national health, adequate food is at least as important as reasonable hours or sanitary conditions of employment.

Most employers desire to pay a living wage. No living wage legislation would be necessary to bring the small employer to pay living wages to the few people whom he employs and therefore well knows. His human interest in them assures them of living wages. In large industries, however, the employer knows little about his employees. His relation is not human; it is impersonal. When it is brought to his attention that he is not paying a living wage, in most cases he proceeds to pay it. Many employers have welcomed the suggestions of the Factory Investigating Commission in this respect. There are, however, some employers who will pay the lowest wages they can. They must be dealt with by law, just as in connection with sanitary and accident-preventing regulations in factories, they have had to be dealt with by law.

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The minimum wage is an Anglo-Saxon development. It started in New Zealand in 1894, and then was taken up by the various states of the Australian Commonwealth. In 1909 it was enacted in Great Britain, first being applied to only the ready-made and wholesale tailoring, cardboard-box making, chain making, and lace finishing trades. In America it has, in very recent years, been enacted in California, Colorado, Massachusetts, Minnesota, Nebraska, Oregon, Utah, Washington and Wisconsin. Except in Utah, where the statute fixes the amount of the wages, the legislation usually provides that a commission or board, such as the Industrial Commission which now exists by statute in this State, shall ascertain, sometimes with the assistance of an advisory board made up of employers and employees in the industry, the minimum wages needed to supply the necessary cost of proper living, and establishes them as the minimum wages to be paid, making it a violation of law for an employer to pay less than such wages. In all except Wisconsin such legislation is only for women and children. There is generally a provision in the law that a license may be issued to a woman physically defective by age or otherwise, and authorizing her employment for a special minimum wage less than the regular minimum wage.

In the application of minimum or living wage legislation, it is recognized that the cost of living varies according to localities. It is also recognized that many people who enter industry are at first only apprentices, and that they are not to be treated as ordinary employees.

One of the arguments made against living wage legislation is that it drives people out of employment. If such legislation has the effect on industry of confining those employed in it to those who are efficient, it has, in that respect also rendered a service. Experience has shown, however, that the number who are driven out of employment is small. Sometimes they are cared for by the system of special licenses mentioned above. They are, moreover, the inefficient, and are those most likely to become dependents of the State. From the point of view of the taxpayer, it is cheaper that these few inefficient be driven out of employment, if the many others who, because of insufficient wages would be in danger of becoming dependents, are through the payment to them of living wages prevented from becoming dependents.

The machinery necessary to carry out living wage legislation places some burden upon industry in that it will take some of its time and attention. We are told that the living wage plan "interferes with business, and business is having a hard time." But that is no argument against the principle. It may appeal to our sympathies, but it should not be allowed to prevail. It is a

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contrary, they fix wages which they believe will be fair. It would century old as an argument, and if admitted to be conclusive, none of the beneficent labor legislation that has been enacted during the past century would ever have been enacted. The burden placed upon our public service corporations by rate legislation is considerable, as is the burden placed upon manufacture through the requirements of our labor laws in regard to sanitary conditions and protection against machinery. But in each case the good has far outweighed the burden.

If the Supreme Court of the United States shall hold that the minimum wage law of Oregon, the constitutionality of which has been argued before it, is not in violation of the provisions of the Federal Constitution, it may be that without this direct provision our own Court of Appeals would hold that such legislation is within the police power and not in violation of similar provisions of the State constitution, and there is encouragement for this view in the language used by Judge Miller in his recent opinion in the Jensen case. The Court of Appeals in the Ives case, however, flatly disagreed with the then recent definition of the police power given by the Supreme Court of the United States, and for that reason the Constitution should give to the Legislature the power to enact minimum wage legislation.

HERBERT PARSONS,
Chairman.

Mr. Parsons, from the Committee on Industrial Interests and Relations, to which was referred Proposed Amendment introduced by Mr. Parsons (No. 417, Int. No. 405), entitled "Proposed constitutional amendment to amend Section 19 of Article I of the Constitution, in relation to legislation affecting employees," reported as follows:

The Committee on Industrial Interests and Relations recommends the passage of the same without amendment, which report was agreed to and said proposed amendment referred to the Committee of the Whole.

While the recent opinion of the Court of Appeals in the *Matter of Jensen,* Document No. 19, in which the present Workmen's Compensation Law is held not to be in violation of the Federal Constitution, may be considered to indicate that it is the intention of that court, in interpreting the police power and in construing due process clauses, to follow the lead of the Supreme Court of the United States, it is eminently desirable that this uniformity of decision should be made certain. This object is accomplished by the amendment. The legislation to which it refers would have to pass the test only of one due process clause, namely, that of

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the Federal Constitution, instead of two, which though identical in language have been construed differently by the Supreme Court of the United States and our own Court of Appeals. In the case of *Ives* v. *South Buffalo R. R. Co.*, 201 N. Y. 271, in which the former Workmen's Compensation Law was declared unconstitutional as in violation of Section 6 of Article I of the State Constitution, our Court of Appeals indicated that it differed in its construction of the due process language in the State Constitution and of its converse, the extent of the police power, from that of the Supreme Court of the United States in the case of *Noble State Bank* v. *Haskell*, 219 U. S. 104.

An attempt to lead to uniformity of constitutional decision was made by the Congress of the United States in the passage of the act of March 3, 1911, which amended section 237 of the Federal Judiciary Act so as to provide that the Supreme Court might review a decision of a state court which had held that a state statute was in violation of the Constitution of the United States. But unless this amendment is adopted the result of this extended right of appeal may be to make more glaring the difference of construction given by the two courts. Let us suppose, for instance, that the Ives case had come after this right of appeal had been granted and had been taken to the Supreme Court of the United States, and that that Court had declared that it was not in violation of the due process clause of the Fourteenth Amendment of the Federal Constitution, although the Court of Appeals of this state had declared that it was in violation of the due process clause, identical in language, of the State Constitution. We would then be in the anomalous position of having a law of great interest and moment held constitutional by the greatest court in the country but held unconstitutional by the greatest court in the state, in construing identical constitutional language. The State Court's opinion being supreme as to the State Constitution, the statute would thereby be made inoperative. Such a situation is to be avoided so far as this legislation is concerned, it would place New York in the same position as New Jersey and Wisconsin, neither of which has a due process clause in its State Constitution.

HERBERT PARSONS,
Chairman.

Mr. J. L. O'Brian, from the Committee on Rules, presented the following report:

The Committee on Rules recommends the adoption of the following special rule:

Resolved, (1) That the debate on Section 2 of the pending amendment on conservation close at 4:30 P. M.

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(2) The debate on the entire amendment close at 6 P. M.
(3) That all speeches on said amendment be limited not to exceed twenty minutes.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

The Convention resolved itself into a Committee of the Whole and proceeded with the consideration of the Special Order, being "Proposed Amendment to insert in the Constitution a new article in relation to the conservation of natural resources." (No. 787, Int. No. 708.)

After some time spent therein, the President resumed the Chair, and Mr. J. G. Saxe, from said committee, reported in favor of the passage of said Proposed Amendment, with amendments, which report was agreed to, and said proposition ordered reprinted as amended and to a third reading.

On motion of Mr. Wickersham, the Convention took a recess until eight o'clock and thirty minutes P. M.

EIGHT O'CLOCK AND THIRTY MINUTES, P. M.

The Convention again convened.

Mr. Leggett presented the following minority report on "Proposed constitutional amendment to amend Section nineteen of Article I of the Constitution, in relation to legislation affecting employees." (No. 417, Int. No. 405.)

The minority of the committee opposes the approval of this proposal for the following reasons:

That it would make the Constitution of New York unique among American Constitutions, because in effect it would contain no restriction whatever on the power of the Legislature.

The constitutionality of no enactment could be questioned in the courts unless the Legislature forgot to declare that it was "necessary for the protection of the lives, health, safety, morals or welfare of employees."

J. C. LEGGETT.

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Mr. Ostrander presented the memorial of residents of the Thirtieth Senatorial District, which was referred to the Committee on Civil Service.

On motion of Mr. Wickersham, and by unanimous consent, General Order No. 48, heretofore made a Special Order for Tuesday, August 10th, was made a Special Order for to-day in place of General Order No. 46.

The Convention resolved itself into a Committee of the Whole, and proceeded to the consideration of the Special Orders, being the proposed Amendments entitled as follows:

"Proposed constitutional amendment to amend Section 4 of Article XI of the Constitution, in relation to the appointment of military officers by the governor." (No. 761, Int. No. 531.)

"Proposed constitutional amendment to amend Section 6 of Article XI of the Constitution, in relation to the removal of commissioned officers for absence without leave." (No. 764, Int. No. 535.)

After some time spent therein, the President resumed the Chair, and Mr. L. M. Martin, from said committee, reported in favor of the passage of the above Proposed Amendments, which report was agreed to and said propositions ordered to a third reading.

The Convention resolved itself into a Committee of the Whole and proceeded to the consideration of Special Orders, being the Proposed Amendments entitled as follows:

"Proposed constitutional amendment to amend Section 15 of Article I of the Constitution of the State of New York, in relation to Indians." (No. 769, Int. No. 707.)

"Proposed constitutional amendment to amend Section 5 of Article XI of the Constitution, in relation to the manner of election of military officers prescribed by Legislature." (No. 762, Int. No. 534.)

After some time spent therein, the President resumed the Chair, and Mr. L. M. Martin, from said committee, reported in favor of the passage of said Proposed Amendments with amendments, which report was agreed to, and said propositions ordered reprinted as amended and to a third reading.

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The Convention resolved itself into a Committee of the Whole and proceeded to the consideration of General Orders, being Proposed Amendment entitled as follows:

"Proposed constitutional amendment to amend Section 4 of Article II of the Constitution, in respect to the enactment of election and registration laws." (No. 780, Int. No. 711.)

After some time spent therein, the President resumed the chair, and Mr. L. M. Martin, from said committee, reported progress and asked leave to sit again.

Mr. President put the question on granting leave to sit again, and it was determined in the affirmative.

The hour of ten o'clock and thirty minutes P. M. having arrived, the President declared the Convention adjourned.

TUESDAY, AUGUST 10, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. J. Addison Jones.

On motion of Mr. Wickersham, the Journal of Friday, August 6th, was approved.

Mr. Unger presented the memorial of residents of the borough of Manhattan, which was referred to the Committee on Civil Service.

Also, the memorial of residents of the Nineteenth Senatorial District, which was referred to the Committee on Civil Service.

Also, the memorial of residents of the Eighteenth Senatorial District, which was referred to the Committee on Civil Service.

Mr. Hinman presented the memorial of residents of the Twenty-eighth Senatorial District, which was referred to the Committee on Civil Service.

Mr. Burkan presented the memorial of residents of the Twentieth Senatorial District, which was referred to the Committee on Civil Service.

Mr. Mandeville presented the memorial of residents of the Forty-first Senatorial District, which was referred to the Committee on Civil Service.

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The President presented the resolutions of the Chamber of Commerce of the City of Amsterdam, which were referred to the Committee on Cities.

Also, the resolutions of the common council of the city of Dunkirk, which were referred to the Committee on Cities.

The President presented the communication of Vincent Javatt, which was referred to the Committee on Bill of Rights.

The President presented the resolutions of the common council of the city of Johnstown, which were referred to the Committee on Education.

Mr. Brackett presented the memorial of the Joint Legislative Board of the Brotherhood of Locomotive Engineers, the Brotherhood of Locomotive Firemen and Engineers, the Order of Railway Conductors and the Brotherhood of Railroad Trainmen, which were referred to the Committee on Governor and Other State Officers, etc.

The Convention resolved itself into a Committee of the Whole and proceeded to the consideration of the Special Order, being the Proposed Amendment entitled as follows: "Proposed constitutional amendment to amend the Constitution by inserting a new article, in relation to the budget, and to amend Section 21 of Article III of the Constitution." (No. 778, Int. No. 709.)

After some time spent therein, the President resumed the Chair, and Mr. Marshall, from said committee, reported progress and asked leave to sit again on said Special Order at two o'clock and thirty minutes, P. M.

Mr. President put the question on granting leave to sit again, and it was determined in the affirmative.

Mr. J. L. O'Brian, from the Committee on Rules, presented the following report:

The Committee on Rules recommends the adoption of the following:

Resolved, That when the Convention resumes consideration of General Order No. 48 (Registration of Voters), debate shall be limited to not exceeding one hour and the speeches of individual members to not exceeding 10 minutes each.

Mr. President put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative.

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Mr. J. L. O'Brian, from the Committee on Rules, presented the following report:

The Committee on Rules recommends the adoption of the following:

Resolved, That when the consideration of a Special Order in Committee of the Whole is not finished by the time set for another Special Order, unless otherwise directed by the Convention, the order under consideration shall continue. The Committee on Rules shall report a rule for limitation of debate thereon and the Special Order next in order of time shall follow thereafter.

Mr. President put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative.

The hour of one o'clock P. M. having arrived, the President declared the Convention in recess until two o'clock and thirty minutes P. M.

TWO O'CLOCK AND THIRTY MINUTES P. M.

The Convention again convened.

The Convention resolved itself into a Committee of the Whole and resumed consideration of the special order being Proposed Constitutional Amendment to amend the Constitution by inserting a new article, in relation to the budget, and to amend Section 21 of Article III of the Constitution. (No. 778, Int. No. 709.)

The hour of five o'clock and thirty minutes P. M. having arrived the Convention took a recess until eight o'clock and thirty minutes P. M.

EIGHT O'CLOCK AND THIRTY MINUTES P. M.

The Convention again convened.

The Convention resolved itself into a Committee of the Whole and resumed the consideration of the special order being Proposed Constitutional Amendment to amend the Constitution by inserting a new article, in relation to the budget, and to amend Section 21 of Article III of the Constitution. (No. 778, Int. No. 709.)

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After some time spent therein the President resumed the chair and Mr. Marshall from said committee reported progress and asked leave to sit again.

Mr. President put the question on granting leave to sit again, and it was determined in the affirmative.

The hour of ten o'clock and thirty minutes P. M. having arrived the President declared the convention adjourned.

WEDNESDAY, AUGUST 11, 1915

The Convention met pursuant to adjournment, Mr. President in the Chair.

Prayer by Rev. J. Addison Jones.

On motion of Mr. Wickersham the journal of Monday, August 9th, was approved.

Mr. Mereness offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee of the Whole be discharged from the further consideration of proposed amendment (No. 57, Int. No. 57) entitled "Proposed constitutional amendment to amend Section one, Article X of the Constitution," and that the same be recommitted to the Committee on County, Town and Village Officers.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. R. B. Smith offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Cities be discharged from the further consideration of proposed amendment (No. 774, Int. No. 254) entitled "Proposed constitutional amendment to amend Section one of Article XII of the Constitution, in relation to cities and villages."

which was agreed to.

Said proposed amendment having been announced, on motion of Mr. R. B. Smith, the same was amended as follows:

Page 1, strike out all italicised words beginning on line 5 down to and including line 7 on page 2 and insert in italics:

"The Legislature may, subject to the provisions of this Constitution and to the general laws of the State applicable to all

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cities or to all cities of a class as hereinafter defined, delegate to cities for exercise within their respective local jurisdictions such of its powers of legislation as to matters affecting them as it may, from time to time, deem expedient. Each city shall have exclusive power to fix the number and compensation during service of all officers and employees chosen by the electors of the city or a division thereof or appointed by its authorities except judicial officers and members of local authorities having or participating in the exercise of a general power to fix the compensation of officers. Each city shall also have exclusive power to fix the number and compensation during service of all officers and employees of a county situated wholly within the city except officers chosen by electors, assistants and employees of district attorneys and officers and employees of courts of record."

Page 2, line 8, place brackets about the comma following "taxation" and insert in italics "and".

Line 9, place bracket before the word "borrowing" and strike out the brackets about the word "their".

Line 10, place bracket after the word "credit".

Line 12, after the word "and", first occurring, insert in italics "except as herein otherwise expressly provided."

Ordered, Reprinted and recommitted to said committee.

Mr. Franchot offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Cities be discharged from further consideration of proposed amendment (No. 678, Int. No. 662) entitled "Proposed constitutional amendment to amend Article XII of the Constitution, so as to provide for an optional system of home rule in cities."

which was agreed to.

Said proposed amendment having been announced, on motion of Mr. Franchot, the same was amended as follows:

Strike out section 1 and insert:

"Section 1. It shall be the duty of the Legislature to provide for the organization of 'legislative charter' cities 'as hereinafter defined' and 'for the organization of' incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessments and in contracting debt by such [municipal corporations;] 'legislative charter cities and incorporated villages, and to regulate the manner in which any village which shall have attained a population to be designated by the Legislature may

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elect to become organized as a legislative charter city or as a home rule city as each is hereinafter defined.' [and t]*The* Legislature may regulate and fix the wages or salaries, the hours of work or labor, and make provision for the protection, welfare and safety of persons employed by the State or by any county, 'legislative charter' city, town, village or other civil division of the State, or by any contractor or sub-contractor performing work, labor or services for the State, or, for any county, city, town, village or other civil division thereof."

Section 2, strike out lines 13 to 26 down to and including the word "cities" and insert:

"§ 2. All cities are [classified according to the latest State enumeration, as from time to time made, as follows: The first class includes all cities having a population of one hundred and seventy-five thousand or more; the second class, all cities having a population of fifty thousand and less than one hundred and seventy-five thousand; the third class all other cities.] 'divided into two classes, namely: those organized under charters and laws enacted by the Legislature, which shall be known as legislative charter cities, and those which shall have framed and adopted charters as provided in sections four and five of this article or as provided by the Legislature for the adoption of city charters by villages, which shall be known as home rule cities. The following provisions of this section shall not apply to home rule cities.'"

Page 5, sections 4, 5, 6 and 7 to be stricken out and the following inserted in italics in place thereof:

"§ 4. Exclusive power is hereby granted to every city, which shall have adopted a new charter, as herein provided, for the exercise of such power, to manage, regulate and control its own property, affairs and government, subject to provisions of law which apply to the State at large or which apply to all cities of the State without classification or distinction. Such power shall be deemed to include the power to manage, regulate and control among other things: The powers, duties, qualifications, mode of selection, number, terms of office, compensation and method of removal of all city officers and employees and of police and health officers and employees and non-judicial officers and employees attached to courts not of record; and the issuance of bonds or other evidences of municipal indebtedness. Such power shall be deemed not to include the power to manage, regulate, or control among other things: public education; the subjects of taxation; the operation of public utilities by private corporations or the future acquirement thereof by the city; the exercise of the power of eminent domain without the limits of the city; the making, filing or allowing of claims against the city for torts; the establishment or jurisdiction of local inferior courts; or the annexation of territory

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to or its separation from the city; provided, however, that no law regulating such matters with respect to cities which does not apply to all the cities in the State without classification or distinction shall be enacted except in conformity with the procedure required by section two of this article for the enactment of special city laws; and provided, further, that the Legislature may delegate to such city or cities power to manage, regulate, or control such matters.

"§ 5. The legislative authority of any city may by ordinance, subject to the approval of the board of estimate and apportionment, if any there be, provide for the appointment or election of a charter commission. Such commission shall draft and file with the mayor, for submission to the voters at an election as hereinafter provided, a proposed charter for the management, regulation and control of its property, affairs and government which shall provide for its future amendment. After such proposed charter shall have been so drafted and filed, the legislative authority of the city shall provide by ordinance for its adequate publication, and for its submission to the voters of the city at a general municipal election or at a special election, and whether at a general or a special election shall be within the discretion of such legislative authority, except that the date of such election shall not be less than sixty days nor more than one hundred and twenty days after such proposed charter shall have been filed with the mayor. If approved by a majority of the voters voting thereon, such charter shall become effective at such time as shall be fixed therein and shall supersede the provisions of its existing charter and of any special city law relating to the property, affairs, and government of such city. Thereafter, the Legislature shall enact no law relating to the property, affairs or government of such city which does not apply to all the cities of the State without classification or distinction.

"§ 6. The Legislature may, subject to this condition, delegate to legislative charter cities, for exercise within their respective local jurisdictions, such of its powers of legislation as to matters affecting them as it may, from time to time, deem expedient."

Ordered, Reprinted and recommitted to said committee.

Mr. J. L. O'Brian, from the Committee on Rules, presented the following report:

The Committee on Rules recommends the adoption of the following special rule, viz.:

That when consideration of General Order No. 46, (The Budget Plan) is resumed in Committee of the Whole, debate on amendments shall be limited to one hour, no speaker to speak more than

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ten minutes, and that debate on the main question shall close at not later than twelve o'clock.

Mr. President put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative.

Mr. Hinman, from the Committee on Future Amendments and Revision, reports by Bill, entitled "Proposed constitutional amendment to amend article XIV of the Constitution, in relation to future amendments and revisions of the Constitution, and permitting the validity of an election on a question submitted and the determination of the result of such an election to be contested by any elector in an action brought in the Supreme Court and by making provision with respect to questions coincidently submitted by a Convention and the Legislature" (Int. No. 715), which was read the second time and said committee reports in favor of the passage of the same, which report was agreed to, and said proposed amendment ordered printed and referred to the Committee of the Whole.

Mr. Hinman, from the Committee on Future Amendments and Revision, to which was referred proposed amendment, introduced by Mr. Marshall (No. 145, Int. No. 145), entitled "Proposed constitutional amendment to amend Article XV of the Constitution with respect to the time when the Constitution is to go into effect," reported in favor of the passage of the same, without amendment, which report was agreed to, and said proposition referred to the Committee of the Whole.

Mr. Rodenbeck, from the Committee on Revision and Engrossment, to which was referred the following:

"Proposed constitutional amendment introduced by Mr. Austin (No. 746, Int. No. 78) entitled "Proposed constitutional amendment to amend Section fifteen of Article III of the Constitution, relative to the passage of bills by the Legislature, by striking out the authorization for the passage of bills under emergency messages from the Governor."

Also, the proposed constitutional amendment introduced by Mr. Latson (No. 761, Int. No. 531) entitled "Proposed constitutional amendment to amend Section four of Article XI of the Constitution, in relation to the appointment of military officers by the Governor."

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Also, the proposed constitutional amendment introduced by Mr. Latson (No. 794, Int. No. 534) entitled "Proposed constitutional amendment to amend Section five of Article XI of the Constitution, in relation to the manner of election of military officers prescribed by the Legislature."

Also, the proposed constitutional amendment introduced by Mr. Latson (No. 764, Int. No. 535) entitled "Proposed constitutional amendment to amend Section six of Article XI of the Constitution, in relation to the removal of commissioned officers for absence without leave," reports the same as examined, found correct and correctly engrossed.

ADOLPH J. RODENBECK,
Chairman.

Which report was accepted and said proposed amendments ordered placed on the third reading calendar.

Mr. Rodenbeck, from the Committee on Revision and Engrossment, to which was referred the following:

"Proposed constitutional amendment (No. 747, Int. No. 289) introduced by Mr. R. B. Smith, entitled "Proposed constitutional amendment to amend Section twenty-eight of Article III of the Constitution, in relation to the granting or allowing of extra compensation by legislative bodies or auditing boards, bodies or officers," reports the same, with the following recommendation:

In line 8 after the word "officer" strike out the comma.

ADOLPH J. RODENBECK,
Chairman.

On motion of Mr. Wickersham, said proposed amendment was ordered reprinted as amended and said report laid upon the table.

Mr. Rodenbeck, from the Committee on Revision and Engrossment, to which was referred the following:

"Proposed constitutional amendment (No. 775, Int. No. 291) introduced by Mr. R. B. Smith, entitled "Proposed constitutional amendment to amend Article III and section four of Article IV of the Constitution, in relation to voluntary sessions of the Legislature and the Assembly," reports the same, with the following recommendations:

Page 1, line 4, after the word "may" strike out the comma, and insert a comma after the word "motion" in the same line.

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Page 1, line 7, after the word "may" strike out the comma and insert a comma after the word "motion" in the same line.
Page 1, line 9, strike out the comma after the word "section."
Page 2, line 7, strike out the comma after the word "Senate."

ADOLPH J. RODENBECK,
Chairman.

On motion of Mr. Wickersham, said proposed amendment was ordered reprinted as amended and said report laid upon the table.

Mr. Rodenbeck, from the Committee on Revision and Engrossment, to which was referred the following:

"Proposed constitutional amendment (No. 793, Int. No. 707) introduced by the Committee on Relations to Indians, entitled "Proposed constitutional amendment to amend Section fifteen of Article I of the Constitution of the State of New York, in relation to Indians," reports the same with the following recommendation:

Page 2, line 5, strike out the comma after the word "State."

ADOLPH J. RODENBECK,
Chairman.

On motion of Mr. Wickersham, said proposed amendment was ordered reprinted as amended and said report laid upon the table.

Mr. Rodenbeck, from the Committee on Revision and Engrossment, to which was referred the following:

"Proposed constitutional amendment (No. 749, Int. No. 698) introduced by the Committee on Education, entitled "Proposed constitutional amendment to amend Section one of Article IX of the Constitution, in relation to the supervision and control by the State of the education of children," reports the same, with the following recommendation:

Page 1, line 6, strike out the word "thereof" and insert in place thereof in italics the words "of the State."

ADOLPH J. RODENBECK,
Chairman.

On motion of Mr. Wickersham, said proposed amendment was ordered reprinted as amended and said report laid upon the table.

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Mr. S. K. Phillips presented the following report:

The Committee on Contingent Expenses reports back a communication addressed by the Legislative Index Publishing Company to Hon. Elihu Root, President of the Convention, on the subject of furnishing an index and record containing:

1. Amendments adopted by the Constitution.
2. Amendments advanced to third reading.
3. Amendments favorably reported and in General Orders.
4. Amendments adversely reported and pending in Convention.
5. Amendments favorably reported and rejected by Convention.
6. Continuation of Index of the Record relating to the five classes of proposed amendments above enumerated, and a bound complete copy at the close of the Convention, for the use of the delegates and certain others on the mailing list, to be designated by the President, with the recommendation that the following resolution be adopted:

Resolved, That the Secretary contract with the Legislative Index Publishing Company for 1,350 copies of the Constitutional Convention Index above referred to, at an aggregate cost of $4,355.

Mr. President put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative.

The Convention resolved itself into a Committee of the Whole and resumed the consideration of the special order, being "Proposed constitutional amendment to amend the Constitution by inserting a new article, in relation to the budget, and to amend Section 21 of Article III of the Constitution." (No. 778, Int. No. 709.)

After some time spent therein, the President resumed the chair, and Mr. Marshall, from said committee, reported progress and asked leave to sit again.

Mr. President put the question on granting leave to sit again, and it was determined in the affirmative.

Mr. Wagner moved that the Convention resolve itself into a Committee of the Whole for the further consideration of the special order, being "Proposed constitutional amendment to amend the Constitution by inserting a new article, in relation to the budget, and to amend Section 21 of Article III of the Constitution." (No. 778, Int. No. 709.)

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Mr. J. L. O'Brian moved to amend said motion by adding thereto:

"And that the debate on the amendments be limited to ten minutes to each speaker and that the final vote on the amendments and said special order be taken not later than five o'clock P. M. to-day."

which amendment was agreed to.

Mr. President put the question whether the Convention would agree to said motion as amended and it was determined in the affirmative.

The Convention thereupon resolved itself into a Committee of the Whole for the further consideration of said special order.

After some time spent therein the hour of one o'clock P. M. having arrived the Convention took a recess until two o'clock and thirty minutes P. M.

TWO O'CLOCK AND THIRTY MINUTES P. M.

The Convention again convened and resolved itself into a Committee of the Whole and resumed consideration of the special order being Proposed Constitutional Amendment to amend the Constitution by inserting a new article, in relation to the budget, and to amend section 21 of Article III of the constitution. (No. 778, Int. No. 709.)

After some time spent therein, the President resumed the chair and Mr. Marshall from said committee reported in favor of the passage of said proposed amendment with amendments, which report was agreed to and said proposition ordered reprinted as amended and to a third reading.

The Convention resolved itself into a Committee of the Whole and proceeded to the consideration of the special order, being "Proposed constitutional amendment to amend Section 4 of Article II of the Constitution, in respect to the enactment of election and registration laws." (No. 780, Int. No. 711.)

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After some time spent therein, the President resumed the chair and Mr. Marshall, from said committee, reported progress and asked leave to sit again at eight o'clock and thirty minutes P. M. on said special order.

Mr. President put the question on granting leave to sit again and it was determined in the affirmative.

Mr. Tanner, from the Committee on Governor and Other State Officers to which was referred proposed amendments as follows: Int. No. 85, Pr. No. 85, by Mr. E. N. Smith; Int. No. 110, Pr. No. 110, by Mr. Brookes; Int. No. 111, Pr. No. 111, by Mr. R. B. Smith; Int. No. 125, Pr. No. 125, by Mr. C. Nicoll; Int. No. 172, Pr. No. 172, by Mr. Bernstein; Int. No. 179, Pr. No. 179, by Mr. L. M. Martin; Int. No. 186, Pr. No. 186, by Mr. Lincoln; Int. No. 222, Pr. No. 224, by Mr. Pelletreau; Int. No. 293, Pr. No. 296, by Mr. Leggett; Int. No. 300, Pr. No. 304, by Mr. Dunlap; Int. No. 404, Pr. No. 416, by Mr. Latson; Int. No. 418, Pr. No. 430, by Mr. Wadsworth; Int. No. 436, Pr. No. 448, by Mr. R. B. Smith; Int. No. 472, Pr. No. 484, by Mr. Deyo; Int. No. 498, Pr. No. 510, by Mr. J. G. Saxe; Int. No. 540, Pr. No. 555, by Mr. J. G. Saxe; Int. No. 552, Pr. No. 567, by Mr. Eisner; Int. No. 635, Pr. No. 651, by Mr. Donnelly; Int. No. 668, Pr. No. 684, by Mr. Brackett; Int. No. 694, Pr. No. 727, by Mr. J. G. Saxe, reported by proposed constitutional amendment entitled "Proposed constitutional amendment repealing sections 1, 2, 3, 4, 6 and 7 of article five and creating a new article five in relation to state officers." (Int. No. 716), which was read twice and said committee reports in favor of the passage of the same, which report was agreed to and said proposed amendment ordered printed and referred to the committee of the whole.

Mr. Tanner, for the Committee on Governor and Other State Officers, makes the following report to the Convention:

The Governor and Other State Officers whose powers and duties have been referred to your committee for consideration are provided for in Articles IV, V and VIII of the Constitution, and in a great number and variety of statutes. There were 152 departments, bureaus, boards and commissions which, on the first day of

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January, 1915, constituted the executive branch of the State government. In numerous instances these overlap in jurisdiction, and conflict in operation. This evil has been apparent to the public in the multiplicity of inspections and conflicting orders coming from unrelated and independent bureaus.

Except in some specific matters and to a partial extent, these agencies are independent of each other and not subject to the inspection, supervision or control of any superior authority, unless it be the Governor himself. It is manifestly impossible for the Governor personally to exercise direct supervision over such a multitude of agencies. They are, therefore, practically free from effective control. They cannot practically be held accountable for what they do, or fail to do.

The Purpose of the Committee

The purpose of the committee has been to provide for a systematic plan of departmental organization; to simplify and coordinate the administrative machinery of the State; to subject every executive agency of the State government to practical accountability and to fix responsibility for the execution of the laws.

Your committee has conferred with the other committees having in charge related subjects and has sought to conform the article now reported to the several plans outlined in their reports.

The present Constitution, article IV, section 4, provides that the Governor "shall take care that the laws are faithfully executed." It is the opinion of your committee that the executive machinery placed at his disposal is not well suited to the purpose, and makes economy and efficiency in the administration of such laws practically impossible.

The Criticism is of Systems, not Individuals

The changes recommended in this report are not a criticism of any individual either in this or in previous administrations. The criticism is of the defective system under which our public servants have labored at great disadvantage to render public service. The machinery of government is built wrongly and no one under present conditions can make it work well. It is this condition to which President Taft referred when he told the committee that

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a study of the government of the State of New York aroused in him feelings "of profound admiration for the political adaptability of the people to make a machine work that nobody who had any real business sense would think would work under any conditions."

Remedy must be Provided by this Convention

The situation described cannot be cured by the Legislature alone. It must be provided for by constitutional enactment. The existing plan of State government is not a creation by design, but is a growth by accretion. In 1894, when the last Constitutional Convention sat, the number of departments, boards, commissions, etc., was 39. Since that time, there has been addition after addition until now the number in the executive branch is 152, an increase of 113 or nearly four-fold. Within the same period, the cost of government, exclusive of interest on the canal and highway debts and of the free school fund, has increased as follows:

1895	$12,066,646 97
1900	17,696,398 85
1905	24,511,946 95
1910	34,791,576 01
1914	42,408,488 24

The growth of expenditures from 1895 to 1914 is approximately from $12,000,000 to $42,000,000, whereas the growth in population during the same period was from 6,513,343 to 9,899,761, and the per capita cost of State government rose from $2.47 in 1895 to $5.41 in 1914, an increase of 235 per cent. during the last nineteen years, whereas the population of the State in the same period has only gained 53 per cent.

While due allowance must be made for this increase because of the extended activities of the government and a bad financial system, yet it is the opinion of your committee that this unprecedented growth is due in great part to the faulty and wasteful system, or lack of system herein referred to.

Your committee has, therefore, addressed itself to the task of formulating a plan which would check the constant rise in the burdens of taxation and enable the people to exercise a more direct control over their public servants. The plan proposed does not

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change the functions of the State, but is confined to the methods of performing existing functions. To phrase it more simply, your committee is not trying to determine *what* the State should do, but to find a better way to do it.

Failure of Present System Recognized by Both Political Parties

This failure in the present system has been recognized by both of the great political parties of the State in clear and explicit terms. In 1914 the Republican State platform, framed especially with a view to this revision of the Constitution, declared:

> " The inefficiency, extravagance and corruption which have characterized our state government reveal the necessity of locating the responsibility for misgovernment in such a way that the people of the state can more certainly hold known officers to accountability and condemnation. In this way the people can best secure the satisfactory accomplishment of their purposes and due responsibility for wrongdoing. We recommend a substantial reduction in the number of elective officials by the application of the principles of the short ballot to the executive officers of the state. To prevent the multiplication of offices, we recommend that the various administrative functions of the state, so far as practicable, be vested in a limited number of departments. The present duplication of effort and expense in the public institutions of the state should be remedied by the establishment of a simpler and better organized system."

With the same realization of the necessity for action, the Democratic platform of 1914 declared:

> " There should be no divided authority or responsibility in executing and administering the laws of the state. The time has come to give the people control of their executive government. The responsibility should be centered in the governor. He should have the absolute power of removal. The various boards and commissions should be made subject to the control of the governor. General rules should be prescribed by the Constitution on these subjects, and for the organization of new departments. The people should be able

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to know whom to hold responsible for any failure in the execution, or mal-administration, of their laws, and not have their attention divided and distracted by a number of elective, executive and administrative officials, either elective or appointive, but be enabled to concentrate their attentions, and to devote their energies to the election or defeat of fewer officials; therefore, to center responsibility for executive and administrative action, and to give full force and effect to the power of the people, we favor an amendment to the Constitution providing for the election only of the governor, lieutenant-governor, comptroller, and attorney-general and we pledge ourselves to the preparation and submission of a scheme of constitutional amendment which shall concentrate responsibility for executive management, shall simplify the administrative system of the state and shall provide general rules of departmental organization for the future guidance of the Legislature."

Legislature Must Act Within Constitutional Plan Provided

Clearly the demand for this change is not a partisan one. The problem has been approached in this spirit, and we herewith submit a grouping of all the related administrative functions of the State in a systematic plan of co-ordinated departments. All that your Committee has attempted to do is to provide on broad lines a departmental system, leaving the important task of the internal organization of such departments to the Legislature, giving to it power to make readjustments therein whenever necessary and prohibiting it from creating any office or functions of State government not assigned to one of these departments. This will prevent the further growth of unrelated and conflicting agencies which has characterized the period since the adoption of the Constitution of 1894 and give to the general departments of executive government a stability beyond legislative disturbance.

The present Constitution contains an enumeration of elective State officers, but presents no plan of general organization. The State Superintendent of Public Works and the State Superintendent of Prisons are made constitutional officers, but the Commissioner of Highways, the Superintendent of Insurance, the

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Superintendent of Banks, and many others of equal importance, are statutory only, and subject to change by the Legislature. There is no logical reason why some departments should be included in the Constitution and others whose functions are often similar in nature, and of equal or greater importance, left out. The unscientific arrangement in such departments as are mentioned in the Constitution, is illustrated by the present Article V, section 3, which provides that the Superintendent of Public Works shall hold office until the end of the term of the Governor by whom he was appointed, that is for two years, but provides that the deputies named by the Superintendent of Public Works shall hold their office for three years.

Natural Grouping of Departments

The plan proposed by your committee divides itself naturally into three groups, according to the general functions of the officers or departments described.

First, the Attorney-General, who is the law officer of the State and the adviser of the departments, and the Comptroller, who under the proposed system is a State wide auditing officer, are continued as elective officers. Members of the committee who favor the appointment of these officers have yielded their views to others who prefer their election. The basis of this compromise is to be found in the peculiar relation which these two officers hold to the people of the State as a whole.

Second, the agencies of government which, from the character of their jurisdiction and authority, cannot be considered as purely executive arms of the State government. These boards or commissions possess, to a large degree, judicial or legislative functions, and make rules and regulations under delegated authority from the Legislature. To this class belong the Department of Education and its Board of Regents, the Public Service, the Conservation, and the Civil Service Commissions. These sustain exceptional relations to the Governor. They serve for longer terms, and their removal has been made more difficult than that of the heads of purely executive departments.

Third, the departments which are strictly executive in nature. These are the arms of the Governor by which he takes "care that the laws are faithfully executed," and for their acts he is held accountable. There was, accordingly, a strong sentiment in the

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committee in favor of the independent appointment and removal of these officers by the Governor. But a compromise was finally reached by providing that the appointments should be subject to the advice and consent of the Senate. The heads of departments thus appointed constitute the group of advisers on whom the Governor must depend for carrying out the policies of his administration. His authority over them should be unquestionable and direct.

Few Changes in Existing Departments

Of the nine civil executive departments referred to in section 7 of this article, little change has been proposed in the functions of six; to wit, departments of State, Health, Agriculture, Banking, Insurance, Labor and Industry, excepting that certain miscellaneous duties of collecting public revenues now performed by some of them have been transferred to the Department of Taxation and Finance, including the collection of the automobile tax now made by the Secretary of State; the tax on foreign insurance companies now collected by the Superintendent of Insurance; the charges on foreign bankers now collected by the Superintendent of Banks.

The Department of Public Works will include the functions of the State Engineer and Surveyor, the State Superintendent of Public Works, the State Commissioner of Highways, the State Department of Public Buildings and the State Architect. This consolidation was recommended by the State Engineer and by the Superintendent of Public Works and by virtually the unanimous testimony of engineers, both within and without the State service.

By the proposed Department of Charities and Corrections, the Committee has sought to retain the advantages of the present system relating to the care of the insane, by continuing the provisions of the present Constitution covering this subject. The State Board of Charities, the State Commission in Lunacy, and the State Commission of Prisons have been continued with their functions unimpaired, but it is the opinion of your Committee that better co-operation and greater accountability will be secured among the various departments and institutions having care of the wards of the State by the provision for a Secretary of Charities and Corrections who shall have power of inspection and supervision over these institutions.

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The Department of Taxation and Finance under the proposed plan will be devoted to the collection and care of public revenues. It is intended to be the financial arm of the state government. The Governor must look to the head of this department as his adviser on all matters of state finance.

The Comptroller, under the proposed plan, will represent the people of the State, directly commissioned by them to keep a watch upon the acts of all the executive departments to see to it that the revenues of the State are expended in accordance with the intent of the Legislature; that all the safeguards and limitations prescribed by law are observed; and it will be his duty to call the attention of the representatives of the people in the Legislature to any wrongdoing upon the part of the executive officers, and if the wrongdoing is of such a character as to call for legal redress, it will be his duty to call it to the attention of the attorney-general. The vouchers representing the expenditures of the revenue of the State will come under his scrutiny and be subject to his action for the protection of the public treasury.

It is manifest that the officer who performs these functions should not himself be an executive officer collecting and expending funds of the State. The two functions of the actor in financial transactions and the critic of the actor must be separated if there is to be efficient criticism. For this reason the proper functions of the Comptroller have been concentrated in the one officer, who, because of the nature of these particular functions, is to be elected by the people so that he may be independent of the whole executive government of which he is the critic and upon which he is the check, while the active functions of collecting and disbursing the moneys of the State have been vested in another officer who is called the treasurer as the head of the Department of Taxation and Finance.

In the extensive hearings before the committee, no one questioned the serious evils which have resulted from the defective organization of government in this State and no one suggested any general plan of improvement containing other general principles than those incorporated in this report. In the opinion of your committee the Convention must adopt such a plan as this in substance or must fail to give relief from the grave and unquestioned evils at which this plan is aimed.

This is a complete revision of Article V excepting sections 5, 8 and 9 which are subject to a supplemental report after other committees dealing with these subjects have reported to the Convention.

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Mr. C. Nicoll presented the following minority report.

With those recommendations of the Committee on Governor and other State officers which provide for the classification of the civil activities of the State into broad divisions, each under the control of an administrative head appointed by the Governor, I am in hearty accord.

I dissent from the proposal only so far as the Committee has seen fit to depart from its excellent plan in proposing that two of the most important divisions of government, that of audit and justice, each headed by a single officer, and each peculiarly a part of the executive department and particularly charged with the execution of the laws, be omitted from the general arrangement. These offices, the Committee has provided, shall be selected in another manner, to wit: by popular election.

Neither the offices of the attorney-general of the State nor that of the comptroller determine any policy of government in which the people at large take interest. Important as these officers now are and more important as they will be if the proposal of the Committee is adopted, the sole interest the people have in them, as well as in the other branches of the executive department, is simply that they be honestly and efficiently administered.

The attorney-general should be appointed by and responsible to the Governor because an incident of the executive's duties is the enforcement of public policies by litigation. In fulfilling the mandate that the Governor shall take care "that the laws are faithfully executed," it is vitally necessary for him to have at his command the full legal force of the State. It is absurd to give the Governor full power to enforce the statutes of the State by means of the militia and begrudge him power to enforce the laws by the more peaceful process of litigation.

Further, an appointive attorney-general being in full confidence of the administration would act as legal adviser for other executive departments and furnish them expert legal assistance in the same manner as it is proposed that the Department of Public Works will supply expert engineering assistance to other departments. His retention as an elective official means, on the contrary, the creation of another legal bureau or series of legal bureaus to provide counsel for the Governor and his department heads.

The comptroller should be appointed because any other method of selection is a serious impairment of the Governor's responsibility to see that the moneys of the State are expended legally and

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in the manner and for the purposes contemplated by the Legislature. The chance that the Governor and the comptroller might conspire together to defraud the State is remote and is fully guarded against, by the remedies of impeachment provided elsewhere in the Article and in the Constitution. Through a comptroller appointed by and responsible to the Governor, an audit would be provided, not independent of the Governor, of course, but which would be free of outside political pressure and, what is possibly more important, free of personal political ambitions. The election of a comptroller by popular vote to watch the executive and legislature is presenting him with a letter of marque to prey on other departments and is the creation of an official whose success will be measured in the public mind by his muck-raking ability.

A Legislature to enact and an executive to enforce the laws are foundation stones of our government. Fear that by giving the executive full power to enforce the law he may do wrong is fear that the people have not intelligence or capacity to select their Governor or their Legislature, which may remove him. It is fear of popular rule; of the hazard of democracy. Rule by the people can be better secured by giving to them simple means for exercising control through a single efficient and harmonious executive department, rather than by dividing that department in a manner that will destroy its harmony for fear that the people may sometimes be unfortunate in their choice.

Respectfully submitted,

COURTLANDT NICOLL.

Mr. Baldwin presented the following minority report:

I dissent from this so-called "Short-Ballot Bill." However admirable the purposes the means suggested are fallacious. The cure is worse than the ill. Centralized government might tend to economy, but it would inevitably bring discontent, and discontent destroys the mental poise of democracy. Popular government may not work for economy, but that is not sufficient reason for its destruction.

If the Convention believe that oligarchy is better than democracy, let us be frank and tell the truth, and not deceive the people with a sugar-coated catch phrase. This plan would enthrone one man for four years. It would give him direct control of an army of more than 25,000 officers and employees. During his term he would direct State expenditures of more than $250,000,000.

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It would give such power as would have gladdened the heart of Alexander, the tyrant of Pheræ, or satiated the cupidity of that modern dictator, Castro of Venezuela.

The average voter does not understand the meaning of the "Short Ballot." It is a cunning phrase. As applied to the needs of the people, it is not suggestive of its true significance. It does not satiate; it starves. It should not be called the "Short Ballot," but the "Short Ration." It does not give; it takes away. It assumes incompetency, and proceeds on the theory that the people desire to surrender their voting rights.

Pure democracy, with its direct ballot, is impossible with 10,000,000 of people. Its opposite, an aristocracy or monarchy, is contrary to all our traditions. Our fathers gave us a middle course, representative government. To this let us cling. The Constitution is the embodiment of the experience of the past. It needs repose, not change.

ARTHUR J. BALDWIN.

The hour of five o'clock and thirty minutes P. M. having arrived, Mr. President declared the onvention in recess until eight o'clock and thirty minutes P. M.

EIGHT O'CLOCK AND THIRTY MINUTES P. M.

The Convention again convened.

On motion of Mr. J. L. O'Brian, the time for the consideration of General Order No. 48, the special order now under consideration in the Committee of the Whole, was extended until nine o'clock and thirty minutes P. M.

The Convention resolved itself into a Committee of the Whole and proceeded to the consideration of the Special Order, being the "Proposed amendment to amend Section 4 of Article II of the Constitution, in respect to the enactment of election and registration laws." (No. 780, Int. No. 711.)

After some time spent therein, the President resumed the chair, and Mr. Marshall, from said committee, reported in favor of the passage of said Proposed Amendment with amendments, which report was agreed to and said proposition ordered reprinted as amended and to a third reading.

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Mr. J. G. Saxe moved that the Convention disagree with the report of the Committee of the Whole, and that said Proposed Amendment be recommitted to the Committee of the Whole, with instructions to report forthwith, amended by inserting therein, the matter stricken out in the Committee of the Whole, and that said motion lie upon the table.

Mr. President put the question whether the Convention would agree to said motion to lay upon the table, and it was determined in the negative.

Mr. President then put the question whether the Convention would agree to said motion to disagree and recommit, and it was determined in the negative.

The Convention resolved itself into a Committee of the Whole, and proceeded to the consideration of Special Orders, being the "Proposed amendment to amend the Constitution, by inserting a new article, in relation to taxation." (No. 756, Int. No. 679.)

After some time spent therein, the President resumed the chair, and Mr. Marshall, from said committee, reported progress and asked leave to sit again.

Mr. President put the question on granting leave to sit again, and it was determined in the affirmative.

On motion of Mr. J. L. O'Brian, the Convention adjourned.

THURSDAY, AUGUST 12, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. J. Addison Jones.

On motion of Mr. Wickersham, the journal of Tuesday, August 10th, was approved.

Mr. Blauvelt presented the memorial of residents of the counties of Richmond, Rockland, Orange, Sullivan, Ulster and Greene, which were referred to the Committee on Civil Service.

Mr. J. L. O'Brian presented the following report from the Committee on Rules:

The Committee on Rules recommends the adoption of the following special rule:

Resolved, That when the Committee of the Whole resumes

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consideration of the pending proposition, General Orders No. 28 (Taxation) debate be limited as follows: namely, after eleven o'clock A. M. all speakers limited to not more than ten minutes each, final vote to be taken upon the proposition not later than one o'clock P. M.

And, further That General Orders No. 50 (Home Rule for Cities) be made a special order for Friday morning, August 13th, at ten o'clock.

Mr. President put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative.

Mr. Mereness, from the Committee on County, Town and Village Officers, to which was recommitted proposed amendment introduced by Mr. Kirby (No. 57, Int. No. 57), entitled "Proposed constitutional amendment to amend Section one, Article X of the Constitution," and proposed amendment introduced by Mr. R. B. Smith (No. 447, Int. No. 435), entitled "Proposed constitutional amendment to amend Section one, Article X of the Constitution, in relation to the removal of county officers," after having given consideration to both of said proposals, reported by proposed amendment entitled "Proposed constitutional amendment to amend Article X, Section one, in relation to the removal of county officers" (Int. No. 717), which was read twice and said committee reported in favor of the passage of the same, which report was agreed to, and said proposed amendment ordered printed and referred to the Committee of the Whole.

Mr. Blauvelt presented the following minority report from the Committee on Governor and Other State Officers:

It is not the purpose of the undersigned in submitting the following minority report to disagree with the majority members of the Committee on Governor and State Officers on the fundamental proposition that the executive branch of our State government needs reforming. It must be conceded by all students of our administrative system that in the course of its evolution the system has become complex and unwieldy. This has been due, in a large measure, to the manifold activities which the State has embarked in from time to time since its creation, and to the fact that our earlier conventions have failed to provide such a scheme of executive management as may readily be adjusted by the legislature

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to meet the constantly increasing needs of government along administrative lines.

The majority members of the Committee, in submitting their proposed amendments to Article V, take the position that adequate reforms can be accomplished and efficient and economical government maintained through the adoption of the following propositions:

(1) By a mandatory reclassification of all administrative functions of government into a few defined groups and the assignment of those functions, partly by constitutional provision and partly by legislative enactment, to the several civil executive departments named in the proposed article submitted by them.

(2) By the adoption of the so-called "Short Ballot" proposal, in a modified form, whereby the governor shall have the power of appointment of all administrative heads of State departments, except the Comptroller, the Attorney-general and the heads of the Departments of Conservation and of Education.

(3) By giving a discretionary power of removal to the Governor of the chief executive officers appointed by him whose duties are solely administrative.

(4) By prohibiting the legislature from creating new departments not named in the article and commanding it to assign such new functions as may be created, from time to time, to some one of the departments therein named.

I am not opposed to the idea that there should be a reclassification and redistribution of the administrative agencies of government, but I do disagree with the proposition that the Constitution should arbitrarily assign particular powers and duties to a department. Such an assignment must, in my opinion at least, necessarily imply a limitation on the power of the legislature to create a flexible administrative scheme to meet the practical necessities of government. This objection is not removed by the provisions of Section 19 of the proposed article which, among other things, provides that "the legislature may from time to time assign by law new powers and functions to officers, boards or commissions continued or created under this Constitution, and increase, modify or diminish the powers of such departments," for the reason that the power of the legislature in that respect is made subject to the limitations specifically defining the powers and duties of particular departments. I believe that the matter of reclassification and redistribution of powers should be left wholly with the legislature.

I hold that the term "Short Ballot" is a misnomer and that administrative reform can never be accomplished through the mere shortening of the election ballot. I favor the most rigid reforms in our administrative system but I disagree with the

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majority of the Committee that such reforms can be accomplished through the centralization of complete executive power in the Governor by giving to him the power of appointment and removal of all administrative State Officers. I would not take away from the people the right to select those State officers, such as the Secretary of State, Attorney-general, State Treasurer and Comptroller, whose powers and duties are and should be independent of the control of the Governor. Their independent action is frequently necessary to restrain the too often unwise exercise of power by the executive.

I favor the proposition that the Governor should be given the power of removal of appointive administrative officers, but I disagree with the proposition that he should be given the arbitrary power of removing those officers, such as public service commissioners, civil service commissioners and the like, whose powers are or may be partly administrative, partly legislative and partly judicial.

Lastly, I see no reason why the Legislature may not well be prohibited from creating new executive departments of government, provided sufficient flexibility of action is accorded to it in making assignments of new and additional governmental activities.

I respectfully submit to the consideration of the Convention the following proposed amendment which, I believe, is better adapted to accomplish executive reform than any thus far proposed.

"ARTICLE V.

"Section 1. There shall be the following civil executive departments under the state government: Of state, of audit and control, of law, of finance, of public works, of health, of agriculture, of charities and corrections, of banking, of insurance, of education, of labor, of highways and of internal affairs, respectively. The head of the department of state shall be the secretary of state; of audit and control, the comptroller; of law, the attorney-general; of taxation and finance, the treasurer; and of each of the other departments, a commissioner to be appointed as provided in this article, except that the department of education shall be administered by or under the direction of the corporation known as the University of the State of New York, which may have a chief executive officer as now or hereafter provided by law."

Section [1.] "2." The secretary of state, comptroller, treasurer [,] "and" attorney-general [and state engineer and surveyor] shall "continue to" be chosen at a general election, at

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the times and places of electing the governor and lieutenant-governor, and shall hold their offices, respectively," for [two years, except as provided in section two of this article. Each of the officers in this article named, excepting the speaker of the assembly, shall at stated times during his continuance in office, receive for his services a compensation which shall not be increased or diminished during the term for which he shall have been elected; nor shall he receive to his use any fees or perquisites of office or other compensation. No person shall be elected to the office of state engineer and surveyor who is not a practical civil engineer.] " the same term as the governor. The state engineer and surveyor shall continue in office for the term for which he was elected unless sooner removed, and at the expiration of such term the said office is abolished."

[§ 2. The first election of the secretary of state, comptroller, treasurer, attorney-general and state engineer and surveyor, pursuant to this article shall be held in the year one thousand eight hundred and ninety-five, and their terms of office shall begin on the first day of January following, and shall be for three years. At the general election in the year one thousand eight hundred and ninety-eight, and every two years thereafter, their successors shall be chosen for the term of two years.]

" Section 3. Every commissioner at the head of a civil executive department hereinbefore provided for and the secretary of charities and corrections shall be appointed by the governor, by and with the advice and consent of the senate, and be removable at his pleasure. This section shall not apply to the head of the department of education.

" Section 4. The existing public service commissions are continued and the commissioners now in office shall hold their offices until the expiration of their terms. The terms of their successors shall be five years. Each commission shall have the jurisdiction, powers and duties it now has, but nothing herein contained shall prevent the legislature from enacting laws not inconsistent with this section and article changing such jurisdiction, powers and duties; except that the legislature shall not enact any law prescribing a rate or charge or a standard of service, equipment or operation for any public utility until after it has received from one of the commissions a report thereon made after investigation and hearing at which interested parties may introduce evidence, or until after the expiration of such time following a request for such report as may be prescribed by law. Decisions and orders of the commissions shall be subject to review by the courts in such manner and to such extent as the legislature may provide.

Section 5. There shall be a conservation commission, to consist of nine commissioners, whose terms of office shall expire in nine

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successive years, the first ending on January first, one thousand nine hundred and seventeen; and the terms of their successors shall be nine years."

"Section 6. There shall be a state civil service commission, to consist of three commissioners. Their terms of office shall be six years, but the terms of the first commissioners shall be so classified that the term of a commissioner shall expire every two years after the first day of January, one thousand nine hundred and seventeen. Such commission shall see that the provisions of this article relating to appointments and promotions in the civil service of the state and of the civil divisions thereof and all laws enacted thereunder are faithfully observed and enforced.

Section 7. There shall be a state workmen's compensation commission, to consist of five commissioners. Their terms of office shall be ten years, but the terms of the first commissioners shall be so classified that the term of a commissioner shall expire every two years after the first day of January, one thousand nine hundred and seventeen. Such commission shall see that the provisions of article one of this constitution relating to compensation for injuries to employees and for death of employees resulting therefrom and all laws enacted thereunder are faithfully observed and enforced."

[Section 3. A superintendent of public works shall be appointed by the governor, by and with the advice and consent of the senate, and hold his office until the end of the term of the governor by whom he was nominated, and until his successor is appointed and qualified. He shall receive a compensation to be fixed by law. He shall be required by law to give security for the faithful execution of his office before entering upon the duties thereof. He shall be charged with the execution of all laws relating to the repair and navigation of the canals, and also of those relating to the construction and improvement of the canals, except so far as the execution of the laws relating to such construction or improvement shall be confided to the state engineer and surveyor; subject to the control of the legislature, he shall make the rules and regulations for the navigation or use of the canals. He may be suspended or removed from office by the governor, whenever, in his judgment, the public interest shall so require; but in case of the removal of such superintendent of public works from office, the governor shall file with the secretary of state a statement of the cause of such removal, and shall report such removal and the cause thereof to the legislature at its next session. The superintendent of public works shall appoint not more than three assistant superintendents, whose duties shall be prescribed by him, subject to modification by the legislature, and who shall receive for their services a compensation to be fixed

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by law. They shall hold their office for three years, subject to suspension or removal by the superintendent of public works, whenever, in his judgment, the public interest shall so require. Any vacancy in the office of any such assistant superintendent shall be filled for the remainder of the term for which he was appointed, by the superintendent of public works; but in case of the suspension or removal of any such assistant superintendent by him, he shall at once report to the governor, in writing, the cause of such removal. All other persons employed in the care and management of the canals, except collectors of tolls, and those in the department of the state engineer and surveyor, shall be appointed by the superintendent of public works, and be subject to suspension or removal by him. The superintendent of public works shall perform all the duties of the former canal commissioners, and board of canal commissioners, as now declared by law, until otherwise provided by the legislature. The governor, by and with the advice and consent of the senate, shall have power to fill vacancies in the office of superintendent of public works; if the senate be not in session, he may grant commissions which shall expire at the end of the next succeeding session of the senate.]

[Section 4. [A] "The present" superintendent of state prisons shall be appointed by the governor, by and with the advice and consent of the senate, and hold his office for five years, unless sooner removed; he shall give security in such amount, and with such sureties as shall be required by law for the faithful discharge of his duties; he shall have the superintendence, management and control of state prisons, subject to such laws as now exist or may hereafter be enacted; he shall appoint the agents, wardens, physicians and chaplains of the prisons. The agent and warden of each prison shall appoint all other officers of such prison, except the clerk, subject to the approval of the same by the superintendent. The comptroller shall appoint the clerks of the prisons. The superintendent shall have all the powers and perform all the duties not inconsistent herewith, which were formerly had and performed by the inspectors of state prisons. The governor may remove the superintendent for cause at any time, giving to him a copy of the charges against him, and an opportunity to be heard in his defense.]

"Section 8. The department of charities and corrections shall be administered by the secretary of charities and corrections. The state board of charities, the state commission in lunacy, to be hereafter known as the state hospital commission, and the state commission of prisons are continued with all the powers vested in them by this constitution on the first day of September, one

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thousand nine hundred and fifteen, and with such powers as have heretofore been vested in them by the legislature, subject to the powers of the legislature to increase, modify or diminish the same by provisions not inconsistent with this section. The office of superintendent of state prisons and the powers and duties attaching thereto, as prescribed by law or by the provisions of this constitution as existing on the thirty-first day of December, one thousand nine hundred and fifteen, shall continue, subject to the power of the legislature to modify or enlarge such powers and duties not inconsistent with said provisions of the constitution, until the first day of January, one thousand nine hundred and seventeen, and the present incumbent, unless sooner removed and a successor appointed under said provisions of the constitution, shall continue until that day, when such office shall be abolished. Thereafter such powers and duties shall continue and devolve upon the said secretary, subject to such power of the legislature to modify and enlarge the same not inconsistent with said provisions of the constitution or of this section. Such secretary shall have power of inspection and supervision of all state charitable institutions, state hospitals for the insane, state prisons and other state correctional institutions. He shall take care that all the laws relating to such institutions are faithfully observed and shall perform such other duties in relation to the charities and corrections of the state and of any civil division thereof as may be imposed upon him by law. Existing boards of managers of institutions referred to in this section are continued until the legislature shall otherwise direct."

Section [5] 9. The lieutenant-governor, speaker of the assembly, secretary of state, comptroller, treasurer [,] "and" attorney-general "," and "the" state engineer and surveyor "while such office continues," shall ", unless the legislature otherwise provides," be the commissioners of the land office. The lieutenant-governor, secretary of state, comptroller, treasurer and attorney-general shall, "except as otherwise provided in this article," be the commissioners of the canal fund. The canal board shall consist of the commissioners of the canal fund [,] "and of" the state engineer and surveyor [,] and [the] superintendent of public works "while such offices continue."

[Section 6. The powers and duties of the respective boards, and of the several officers in this article mentioned, shall be such as now are or hereafter may be prescribed by law.]

Section [7.] "10." The treasurer may be suspended from office by the governor, during the recess of the legislature, and until thirty days after the commencement of the next session of the legislature, whenever it shall appear to him that such treasurer

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has, in any particular, violated his duty. The governor shall appoint a competent person to discharge the duties of the office during such suspension of the treasurer.

[Section 8. All offices for the weighing, gauging, measuring, culling or inspecting any merchandise, produce, manufacture or commodity whatever, are hereby abolished; and no such office shall hereafter be created by law; but nothing in this section contained shall abrogate any office created for the purpose of protecting the public health or the interests of the state in its property, revenue, tolls or purchases, or of supplying the people with correct standards of weights and measures, or shall prevent the creation of any office for such purposes hereafter.]

Section [9.] "11." Appointments and promotions in the civil service of the state, and of all the civil divisions thereof, including cities and villages, shall be made according to merit and fitness to be ascertained, so far as practicable, by examinations, which, so far as practicable, shall be competitive; provided, however, that honorably discharged soldiers and sailors from the army and navy of the United States in the late civil war, who are citizens and residents of this state, shall be entitled to preference in appointment and promotion, without regard to their standing on any list from which such appointment or promotion may be made. Laws shall be made to provide for the enforcement of this section.

"Section 12. The canal board and the offices of commissioners of the canal fund, as such, shall be abolished from and after the first day of January, one thousand nine hundred and sixteen and the powers and duties attaching to such office at that time, by this constitution or by law, shall devolve upon the department of public works, subject to the power of the legislature to enlarge or modify the same not inconsistent with the provisions of this constitution relating to such offices and board. The office of superintendent of public works and the powers and duties attaching thereto, as prescribed by law or by the provisions of this constitution as existing on the thirty-first day of December, one thousand nine hundred and fifteen, shall continue, subject to the power of the legislature to modify or enlarge such powers and duties not inconsistent with said provisions of this constitution, until the first day of January, one thousand nine hundred and seventeen, and the present incumbent of such office, unless sooner removed and a successor appointed under said provisions of this constitution, shall continue until that day, when such office shall be abolished. Thereafter such powers and duties shall continue and devolve upon said department, subject to such power of the legislature to modify and enlarge the same not inconsistent with said provisions of this constitution. The powers and duties now

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exercised by any board, division, authorities or subordinates of the existing department of labor in relation to workmen's compensation shall on such date devolve upon the workmen's compensation commission created by this article.

"Section 13. The legislature shall distribute among the several executive departments and the respective commissions provided for in this article all the administrative powers and duties now exercised by the state through any boards, officers, bodies or commissions thereof, not inconsistent with the provisions of this article which include particular powers and duties in the functions of a department or commission. Such distribution shall be made in such manner that no two or more departments or commissions shall have powers and duties relating to the same matter; but the legislature shall provide for the exchange of data, reports and information between departments and commissions where necessary to facilitate the work of any department or commission. Where state functions are or shall be exercised by local authorities with reference to a given subject, such authorities shall report and account to the department or commission having charge of the same subject. Except as otherwise expressly provided in this article, the legislature may continue existing offices, departments, boards and commissions or create new ones, but they shall be placed within and subordinated to the executive departments or the commissions created by this article. Except as otherwise provided in this article, existing state departments, boards, offices and commissions are continued with their existing powers and duties, subject to the power of the legislature to enlarge or modify the same, until the legislature shall distribute their powers and duties as above provided; but it shall be the duty of the legislature to make such distribution at the first session following the adoption of this constitution or as soon as practicable thereafter. Existing appointive officers under the state government shall hold office until the expiration of their respective terms, unless sooner removed according to law, but nothing herein contained shall prevent reorganizing their several offices by placing the same under any of the departments or commissions provided for in this article.

"Section 14. The commissioners of the public service commissions, civil service commission, workmen's compensation commission and conservation commission shall be appointed by the governor by and with the advice and consent of the senate. Such commissioners, except the commissioners of conservation, shall receive a compensation to be fixed by law which shall not be increased or diminished during their respective terms. Heads of departments appointed by the governor shall receive a compen-

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sation to be fixed by law which shall not be increased or diminished during the term of the governor making the appointments. Any commissioner or head of a department shall, unless sooner removed, hold office until the appointment and qualification of his successor.

"Section 15. All officers and commissioners named in this article may be removed from office by impeachment in the same manner as the governor. The attorney-general, comptroller, treasurer and secretary of state, and commissioners provided for in this article whose appointment is made by the governor by and with the advice and consent of the senate for fixed terms, may also be removed by the senate by a vote of two-thirds of all the members elected thereto, upon the recommendation of the governor, stating the grounds therefor.

Section "16." Vacancies occurring in the offices of attorney-general, comptroller or secretary of state shall be filled for the remainder of the term at the next ensuing general election happening not less than three months after such vacancy occurs. Until the vacancy be so filled by election, the governor, or if the senate be in session, the Governor by and with the advice and consent of the senate, may fill such vacancy by appointment which shall continue until the first day of the political year next succeeding the election at which such office may be filled. A vacancy occurring in a board or commission appointed by the governor by and with the advice and consent of the senate for a fixed term shall be filled for the unexpired term in the same manner as an original appointment, except that a vacancy occurring or existing while the senate is not in session shall be filled by the governor by appointment for a term expiring at the end of twenty days from the commencement of the next meeting of the senate."

GEORGE A. BLAUVELT.

Mr. Bockes presented the following minority report from the Committee on Governor and Other State Officers.

Although favoring much of the majority proposal, I am unable to agree with that part of it which would prevent the Legislature from imposing additional duties upon the Comptroller and with that part which would prevent the Legislature from establishing any other separate subdivisions of government than those specified in the committee's bill. I fear that such restrictions would constitute too much of a straight-jacket around governmental activity to allow for wholesome, natural growth.

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I am also unable to agree with that part of the majority proposal which would increase the relative power of the executive by appointment instead of popular election of all other important State officers except Attorney-General, as a cure for the present evil extravagance. I believe the cause of extravagance was the continually increasing power of appointment given to the Governor until proper check and balance between Governor and Legislature were gone and the Governor and his appointees became overpowerful to push his "my policies" through the Legislature, he taking the credit for the new idea and the Legislature taking the blame for the new expense. If this is the cause the remedy is sure. It is to restore genuine co-ordination by the simple expedient of electing more administrative officers. This will not only restore the lost balance but also increase popular watchfulness and interest. Agriculture, Highways, State Engineering, Public Works, Elections and similar matters which constantly stand out in plain sight of every voter of the State should have elective rather than appointive heads if the people are still to be self-governing and watchful and willing to come out at elections and competent to approve or disapprove the record of the party in power. I fear that to make the Governor all powerful would make of elections a worthless wrangle over personalities instead of great educational campaigns.

I fear still more the result of making the chief fiscal officer appointive.

Respectfully submitted,

GEORGE L. BOCKES.

The Convention resolved itself into a Committee of the Whole and proceeded to the consideration of the special order being Proposed Constitutional Amendment to amend the Constitution by inserting a new article, in relation to taxation (No. 756, Int. No. 679).

After some time spent therein the hour of one o'clock P. M. having arrived the convention took a recess until two o'clock and thirty minutes P. M.

TWO O'CLOCK AND THIRTY MINUTES P. M.

The Convention again convened and resolved itself into a Committee of the Whole and proceeded to the consideration of the special order being Proposed Constitutional Amendment to amend Article three of the Constitution, relating to the power of the Legislature. (No. 786, Int. No. 701.)

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After some time spent therein, the President resumed the chair and Mr. Phillips from said committee reported that the Committee of the Whole having had under consideration the special order being proposed amendment to amend the Constitution, by inserting a new article, in relation to taxation reported in favor of the passage of said proposed amendment with amendments which report was agreed to and said proposition ordered reprinted as amended and to a third reading.

Also, that the committee of the whole having had under consideration the special order being Proposed Constitutional Amendment to amend Article three of the Constitution, relating to the powers of the Legislature, reported progress and asked leave to sit again.

Mr. President put the question on granting leave to sit again and it was determined in the affirmative.

The hour of five o'clock and thirty minutes having arrived, the President declared the Convention in recess until eight o'clock and thirty minutes P. M.

EIGHT O'CLOCK AND THIRTY MINUTES P. M.

The Convention again convened.

Mr. J. L. O'Brian from the Committee on Rules presented the following report:

The Committee on Rules respectfully recommends the adoption of the following:

Resolved, That general order No. 25, be continued as a special order for Monday night, August 16th; that on that night, until the hour of 9:30 all speeches be limited to ten minutes each; that the remaining hour be equally divided between the opponents and supporters of the measure; and that the vote be taken not later than ten-thirty.

Mr. President put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative.

On motion of Mr. Phillips, assistant doorkeeper William B. Clark was excused from duty until Tuesday next.

The Convention resolved itself into a Committee of the Whole and resumed consideration of the special order, being Proposed

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Constitutional Amendment to amend article three of the Constitution, relating to the powers of the Legislature (No. 754, Int. No. 701).

After some time spent therein the President resumed the chair and Mr. Phillips from said committee reported progress and asked leave to sit again.

Mr. President put the question on granting leave to sit again and it was determined in the affirmative.

The hour of ten o'clock and thirty minutes P. M. having arrived, Mr. President declared the Convention adjourned.

FRIDAY, AUGUST 13, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. J. Addison Jones.

On motion of Mr. Wickersham, the journal of Wednesday, August 11th, was approved.

On motion of Mr. Schurman, the report of the Committee on Revision and Engrossment on proposed amendment entitled "Proposed constitutional amendment to amend Section one of Article IX of the Constitution, in relation to the supervision and control by the State of the education of children" (No. 749, Int. No. 698), was taken from the table and agreed to, and said proposition ordered engrossed for a third reading.

Mr. Wickersham, from the Committee on the Judiciary, to which was referred a number of proposed amendments in relation to Article VI of the Constitution, reported by proposed amendment entitled "Proposed constitutional amendment to amend Article VI of the Constitution, generally" (Int. No. 718), which was read twice and said committee reports in favor of the passage of the same.

which report was agreed to, and said proposed amendment ordered printed and referred to the Committee of the Whole.

Mr. Wickersham, from the Committee on the Judiciary, presented the following majority report:

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REPORT OF THE COMMITTEE ON THE JUDICIARY RELATIVE TO THE PROPOSED AMENDED JUDICIARY ARTICLE

AUGUST 12, 1915

To the Convention:

Your Committee on the Judiciary has had referred to it by the Convention 153 proposed constitutional amendments, almost all of which apply to some portion of Article VI of the present Constitution. It has given public hearings to the proposers and to all others who have expressed a desire to be heard respecting these measures, as well as to representatives of the State Bar Association and of Associations of the Bar of cities and counties, with respect to these and many other matters concerning the administration of justice. It has had the benefit of the personal attendance before it of the Chief Judge and of all the living ex-Chief Judges of the Court of Appeals, the Presiding Justices of two of the Appellate Divisions of the Supreme Court, Justices of the Supreme Court, County Judges, Surrogates, and numerous other officials and citizens, and has heard a full expression of their views upon matters within the competence of your Committee, besides which it has invited and received written expressions of opinion from many other judges, lawyers and citizens. The statements, views and recommendations thus submitted have been carefully considered, and your Committee has prepared and herewith reports an amended Judiciary Article to take the place of the present Sixth Article of the Constitution, and recommends its adoption. Before describing the proposed changes, a few words may properly be said as to the prime considerations which have controlled your Committee in its recommendations.

LAWS DELAYS

There is no subject affecting the welfare of the people, which has occasioned more complaint in recent years than that of delays in the administration of justice, and your Committee has given especial consideration to the present condition of the administration of the law in this State, for the purpose of ascertaining, first, to what extent undue and avoidable delay occurs in the administration of the law; second, the causes of such delay, and third. by what provisions these causes may best be removed.

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No statistics are available from which to determine the extent of the undue delay which occurs after actions are commenced and before they are brought to issue and placed on the trial calendars of the courts. But that the Code of Civil Procedure furnishes ample opportunities for such delay through the various interlocutory and procedural motions which it permits or invites, is well known to all practitioners. Delays in securing trial after a case is on the trial court calendars at the present time are not so great as they were a few years ago, and these delays, in the opinion of your Committee, are due in far larger measure to litigants and their attorneys, than to the organization and conduct of the courts. Nevertheless, even when both parties are ready and anxious for trial, it requires a period of from eight months to one year after a case has been placed upon the trial term calendar in the first judicial district and in several of the counties in the second and ninth districts before it can be reached for trial. About three months or less is required at special term in the counties of New York and Kings, and a somewhat longer time in other counties in the districts mentioned. In the Appellate Divisions of the Supreme Court, and in the Appellate Terms, in the first and second departments, cases may be reached for argument at the monthly term to which the appeal is taken; but in the first department, the volume of appeals and its continued increase are such, that your Committee is satisfied that without some radical relief the appellate courts cannot continue to keep abreast with the business before them. In the Court of Appeals, nearly two years necessarily elapse between the filing of a return on appeal and the hearing, unless the cause is preferred by law. The Court of Appeals has made up no calendar of pending cases since May, 1914, and on May 21, 1915, there were 622 cases pending undetermined in that court, including the undisposed of cases on the calendar and those in which returns were filed after the calendar was made up.

Civil Procedure

Underlying all these conditions, is a more fundamental cause with which your Committee has sought to deal, and that is the character of the civil procedure prescribed by law for courts of record in this State. The vice of this system lies, not simply in the enormous body of complex and conflicting legislative rules

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which constitute the Code of Civil Procedure, but in the uncertainty of those rules, resulting from constant legislative tinkering.

The entire legal profession, as well as representative public bodies of various kinds, have for several years past advocated a change in the present complicated and unwieldy system of judicial procedure established by the Code, and the technicalities and uncertainties resulting from constant legislative amendment of it. In recognition of this demand, the Legislature in the year 1913 constituted a commission which at its last session submitted a report embodying a short practice act in seventy-one sections, and a body of rules for the regulation of procedure in the principal courts of record in accordance with this practice act. The report was transmitted to the Legislature by the Governor on April 21, 1915, and, pursuant to his recommendation, the Legislature promptly appointed a joint committee to examine the same and report upon it at the 1916 session. While the time permitted for its examination has been too short to justify your Committee in recommending that the Legislature be required to enact this particular measure into law, yet the principles upon which it is framed are those which have been almost universally approved and advocated by the bar, and your Committee therefore feels justified in reporting a provision making it the duty of the Legisture to act upon the report at its next session, and to enact a brief and simple practice act,— whether that now recommended, or another — and adopt a separate body of civil practice rules for the regulation of procedure in the principal courts of the State. For the purpose of ending the practice of constant legislative amendment, which hitherto has rendered the law of civil procedure uncertain, and thus fostered and encouraged vexatious and unnecessary litigation and delays in the administration of justice, your Committee recommends that the Legislature be empowered at intervals of not less than five years to appoint a commission to consider and report what changes, if any, should be made in the law and in the rules governing civil procedure, that the Legislature shall act upon the report of such commission by a single bill, and that subject only to this provision, the power to make and alter the rules governing civil procedure be vested in the Judges of the Court of Appeals and the Supreme Court, and the Legislature prohibited from enacting any law affecting the same except at the request of those Judges. The enactment

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of this provision will in the opinion of your Committee constitute a long step forward in the simplification of the civil procedure of this State.

Supreme Court Commissioners

Your Committee has also provided for the appointment by the Appellate Divisions in the First and Second Judicial Departments of such number of Supreme Court Commissioners as they may deem necessary who must be members of the bar of not less than ten years standing and who shall not practice law during their tenure of office. Such Commissioners are to have power to act as commissioners to fix compensation when private property is taken for public use, and to perform such other and further duties as may be devolved upon them by special order or rule of court.

These commissioners may be utilized under the new practice rules to determine many of the questions of procedure that now occupy the attention of the courts to the exclusion of more important matters.

Official Referees

Your Committee has also provided for a continuance of the official referees, heretofore appointed pursuant to law from among judges whose terms of office have expired, and requires that in the future they be appointed by the Court of Appeals from among judges of the Court of Appeals and by the Appellate Divisions from among justices of the Supreme Court whose terms have expired and who at the time of their retirement shall have served at least twenty years as judges of any court of record, or at least one full term of fourteen years as justices of the Supreme Court or judge of the Court of Appeals. In this way, the State secures the services of a body of highly trained judicial officers, at such compensation as the Legislature may fix; and on the other hand, a reasonable provision is made for the continued employment of men whose vigor of body and intellect enables them to perform valuable services in the administration of justice, even although they may have passed the age limit set for their continuance on the bench.

Attorneys

Closely connected with the subject of undue delays in the administration of justice, is the question of qualifications and rules regulating the admission to practice of attorneys and counsellors in the courts of the State. The Legislature has devolved this

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jurisdiction by law upon the Court of Appeals, and in the judgment of your Committee the Constitution should confirm this power in the court.

Statistics

Your Committee has experienced some difficulty in securing comprehensive statistics regarding the judicial business of the State, due to the fact that there is no provision of law requiring courts to prepare and furnish periodically to any public official, or to publish, statistics of the judicial business. A report prepared by the clerks of the Supreme Court in the First Judicial Department for the year 1914, furnishes a model which might well be followed by the courts in other departments, and in order that a uniform rule shall be established respecting this subject, your Committee recommends that the Legislature be authorized to provide for the collection, compilation and publication annually of the civil and criminal judicial statistics of the State.

Organization and Jurisdiction of Courts

For the purpose of providing the requisite judicial machinery for the prompt disposal of litigation without delay, your Committee recommends a number of changes in the organization and jurisdiction of the courts, and a slight increase in the number of judges.

The number of justices composing the Appellate Division of the Supreme Court in the First Department, is increased from seven to not less than ten nor more than twelve, and in the Second Department from five to seven. To supply this enlarged force, provision is made for two new justices in the first judicial district.

The volume of appeals which at present come to the Appellate Division of the Supreme Court in the First Department, amounting during the last year to upwards of 1,500 cases, besides 840 original motions, is far greater than the court as at present constituted can properly continue to dispose of. It is true that until the present time the remarkable body of men now constituting that court has been able to pass upon and decide that number of cases, but they have done so by labors which should not be continuously required by the State of any body of judges, and which in framing the fundamental law of the State should not be assumed as the criterion of the amount of work disposable by any court of seven judges. No other court in the State passes upon much more than one-half the number of cases annually determined

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by the Appellate Division in the First Department, except the Appellate Division in the Second Department which in 1914 decided about 70 per cent. of that number. The continued increase in importance of the city of New York as a great, if not the greatest commercial center of the world, brings into the courts in the First Department a constantly increasing volume of litigation, involving questions affecting, not merely the citizens of that department but those of the entire State and of almost every other State and Nation. The average number of cases disposed of (not including original motions in the court) by the Appellate Division of the First Department in each of the five years ending 1904 was 1,032; during the five years ending 1914, 1,389. The number of appeals decided in 1904 was 1,053; in 1914 it was 1,534. Your Committee feels great doubt as to whether or not even a court of ten or twelve judges, five of whom are sitting continuously four weeks in every month, can dispose of such a volume of business, and it has therefore provided that the court may, should it find it necessary, sit in two parts, each composed of five justices, both under the direction of one Presiding Justice. It also proposes to authorize the Appellate Division to call in other justices from the Supreme Court for temporary service in case of the illness or absence of one of the regularly assigned justices. The provisions in the present Constitution authorizing the Governor to assign additional justices to an Appellate Division on request, are retained, and the provisions for transferring cases from one division to another by vote of the Presiding Justices in case an Appellate Division is unable to dispose of its business within a reasonable time, are retained and made mandatory.

Appellate Terms

To further relieve the Appellate Divisions in the First and Second Departments, your Committee proposes to increase the number of justices assignable to the Appellate Terms from three to five, and to give to those branches of the court greater effectiveness by making the assignments for periods of one year. All appeals from judgments and orders in civil cases, made by County Courts within those departments, as well as by the City Court of New York, the Municipal Court of the City of New York, the Court of Special Sessions of the City of New York, and all other inferior or local courts, except those held by Justices of the Peace, are required to be heard at the Appellate

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Term, and the Legislature is empowered to enlarge or modify the jurisdiction of that court and the right of appeal thereto.

Your Committee considered a provision giving to the Appellate Term jurisdiction of appeals from all interlocutory and procedural orders, but decided that it would not be practicable substantially to add to the volume of work now disposed of by this Court. The Appellate Term in the First Department during the year 1914 heard and decided 2,150 appeals from judgments and orders of the Municipal Court of the City of New York and the City Court of New York. The measure recommended by your Committee would give to it also jurisdiction of appeals from the Court of Special Sessions. By allowing the Appellate Division to assign five justices to sit at the Appellate Term, provision is made for relieving undue pressure upon the court. To add further to its jurisdiction, would require the permanent designation of a larger number of justices and interfere with the necessary assignments for the Trial and Special Terms. The judges sitting in the Appellate Term are not prohibited from transacting any other business of the court, and are therefore available for interlocutory applications, but your Committee confidently expects that the result of the operations of the new practice rules, when adopted, will be very greatly to diminish the amount of litigation from purely procedural matters.

Court of Appeals

Perhaps the most troublesome question with which your Committee has had to deal, is the composition and jurisdiction of the Court of Appeals. The Constitution of 1894, by creating the Appellate Divisions as courts of appeal of general jurisdiction, and limiting the Court of Appeals to review of questions of law only, sought to confine the Court of Appeals to the function of settling the law for the entire State in the interests of uniformity and public justice, as distinguished from the settlement of controversies between individuals merely. The Committee on the Judiciary in that Convention recommended a permanent increase in the number of judges from seven to nine, but that proposed increase was defeated in the Convention. Provision was, however, made for the temporary assignment to that court by the Governor of not more than four Justices of the Supreme Court, and for several years past three justices have been

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sitting under such designations. Those provisions, it was anticipated, would enable that court to keep abreast of its business. There was at the time of the Convention of 1894 an arrearage of about 175 cases in the Court of Appeals, and it was predicted by some of the delegates in discussing the report of the Judiciary Committee, that this number might be increased to between 300 or 400 by the time the new Judiciary Article became effective, viz.: January 1, 1896. As a matter of fact, there is now an accumulation of more than 600 cases pending in the Court of Appeals, and the average time required between the date of filing return and the cause being reached for argument, unless it is entitled to a preference, is about two years. The Court has made up no calendar since May 4, 1914, and the calendar then made up embraced returns filed to April 20, 1914, only. The number of cases on that calendar was 714. During each of the five years ending 1914 the Court has disposed of on the average 671 cases, and the average number of returns filed has been 769, so that each year adds on the average 100 cases to the number accumulating in the court. Your Committee agrees with the statement of principle made by the Judiciary Committee in its report to the Constitutional Convention of 1894, in the following language:

> "Every State is bound to give its citizens one trial of their controversies and one review of the rulings and results of the trial by competent and impartial appellate tribunal. When this is done, the duty of the State to particular litigants involved in a case is fully performed. There is no consideration either of public duty or private interests involved in litigation which requires a second appeal and a second review."

Regarding, therefore, the judicial function of the Court of Appeals as that of settling the law for the whole State and maintaining one consistent and harmonious system of justice, your Committee reports provisions: (1) designed to dispose without further delay of the present accumulation of business in that Court, and to enable it in the future to dispose of undue accumulations as they arise; (2) further to limit the jurisdiction of the court so as to prevent the impairment of the line of demarcation between the general appellate courts and the Court of Appeals. Your Committee, therefore, recommends that the number of permanently elected Judges be increased to ten, and that the three Justices of the Supreme Court at present designated to sit as

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Associate Judges of the Court of Appeals be continued as such until the expiration of their terms. For the purpose of disposing of the present accumulation of cases, the Court of Appeals is required within three months after the new Constitution takes effect, to designate, for temporary service, not less than four nor more than six Justices of the Supreme Court to sit as Associate Judges of the Court of Appeals, and thereupon to divide the Court into two parts, distributing the permanent and temporary judges equally between such parts, each of which shall have jurisdiction to hear and dispose of the cases on the calendar of the court, which shall be distributed between them by the Chief Judge. When these accumulations are disposed of by reducing the number of cases to 200, *and not later than December* 31, 1917, the Supreme Court Justices are to return to their Court, and the Court of Appeals resumes its normal condition as a single body. Experience in the past having demonstrated that no matter what provision is made to meet the increasing business of the Court of Appeals, there is always danger of undue accumulations resulting in delays of from one to two years in reaching cases for hearing, the Court is further required to make up a calendar at least once in every year, and it is provided that if on the first day of January in any future year, there shall be more than 500 cases pending undisposed of on its calendar, the Court shall again call in the Supreme Court Justices and shall sit in two parts and dispose of such accumulations, and when that is accomplished, *and not more than one year later,* the Justices shall again return to the Supreme Court, and the Court of Appeals resume its normal condition. For the purpose of enabling the Court to retain its maximum strength at all times, provision is further made for calling in Justices of the Supreme Court to take the places of Judges of the Court of Appeals temporarily disqualified by absence or illness, but for periods of not exceeding six months.

Your Committee recognizes the objection to dividing the Court of Appeals under any circumstances into two parts. But unless the Court shall be left to struggle with its constantly increasing accumulation of cases, no alternative to that recommended presents itself, except the creation of a separate Second Division or Commission of Appeals, which in the past has proved unsatisfactory to the profession and the public. The alternative recommended by your Committee appears to it to avoid the objection to such division so far as possible; first, by assuring the temporary character of the

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division, not only by prescribing that it shall cease when the number of causes has been reduced to a definite figure, but by fixing the *time* at the expiration of which the temporary designations shall expire, this time being estimated to be somewhat more than should reasonably be required for the two parts to dispose of the accumulation of cases requiring the temporary expansion of the Court; second, by providing that a majority of the Judges in each part of the Court shall be composed of members of the permanent court, thus reducing the probability of differences of view resulting in a divergence of opinion to the narrowest bounds of possibility, and third, by giving the Chief Judge control over both parts of the Court with power himself to sit in either of them.

Your Committee recommends the following modification in the general prohibition against the Court of Appeals reviewing facts in any case, viz:

Under the provisions of section 1317 of the Code of Civil Procedure, the Appellate Division on reversing or modifying a judgment is empowered to make new findings of fact and render judgment thereon. In such cases, the Appellate Division in effect acts as an original trial court, and unless a review is allowed in the Court of Appeals, the litigant is deprived of the right, conceded to all other litigants, of at least one full review upon appeal from the judgment of the trial court. With this exception, the present limitation of the jurisdiction of the Court of Appeals to questions of law only is retained.

The class of appeals which may be taken as a matter of right is also restricted and limited to the following cases only:

(1) Where the judgment is of death;

(2) From a judgment or order entered upon a decision of the Appellate Division which finally determines an action or a special proceeding directly involving the construction of the Constitution of the State or of the United States, or where one or more of the justices who heard the case dissents from the decision of the court, or where the judgment of the trial court is reversed or modified;

(3) From an order granting a new trial where the appellant stipulates that upon affirmance judgment absolute shall be rendered against him.

The Court of Appeals is, however, empowered itself to allow an appeal in any case where a question of law is involved which

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in its opinion ought to be reviewed by it; but the power now vested in the Appellate Division allowing such appeals is taken away.

Your Committee recommends one further modification in the jurisdiction of the court. Previous to 1894, the question whether or not there was any evidence to support a finding of fact or a verdict was regarded as one of law, but in the Constitution of 1894 there was inserted in Article VI, section 9, a provision that "no unanimous decision of the Appellate Division of the Supreme Court that there is evidence supporting or tending to support a finding of fact or a verdict not directed by the court shall be reviewed by the Court of Appeals." The testimony of almost all of the judges who appeared before your Committee is to the effect that the practical operations of that provision have resulted unsatisfactorily; the New York State Bar Association, the New York Association of the Bar, the New York County Lawyers Association, and others, have united in the recommendation that this limitation be stricken from the Constitution, and your Committee has, therefore, so reported. Briefly, it may be stated, as is done by the Special Committee of the Association of the Bar of the City of New York, that "this provision has frequently operated to preclude the review of what is essentially a question of law, and it has applied unjustly to many cases quite beyond the scope contemplated by its framers."

Surrogates

In 1913, the Legislature enacted a recodification of the law regulating the jurisdiction and practice of Surrogates and Surrogates' Courts, which vested them with much greater jurisdiction over the administration of the estates of decedents than theretofore had been enjoyed by them, including jurisdiction, in their discretion, in any proceeding in which a controverted question of fact arises of which any party has a constitutional right of trial by jury, and in any proceeding for the probate of a will, in which a controverted question of fact may arise, either to conduct the trial by jury in the Surrogate's Court, or to refer the same to the Supreme Court to be tried at a trial term held within the county or in the County Court of the county. With some hesitation, your Committee has reached the conclusion to continue the present jurisdiction of the Surrogates as so modified, until otherwise provided by law. This will leave the whole subject within the discretion of

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the Legislature, and if experience shall demonstrate the need of some modification of the jurisdiction, the Legislature may act accordingly.

County Courts

The jurisdiction of the County Courts in actions at common law for the recovery of money is increased from $2,000 to $3,000, and they are also given jurisdiction over actions against non-residents having an office for the regular transaction of business within the county, upon causes of action arising within the county.

The existing Constitution prohibits a County Judge or Surrogate in a county having a population exceeding 120,000 from practicing as attorney or counselor-at-law or acting as referee. Much criticism has arisen respecting the effect of permitting County Judges and Surrogates in other counties to practice law. The opposition to making a general prohibition of the practice results from the unwillingness or inability of the counties to sanction legislative increase in the salaries of these officials to an amount which would compensate competent judges. After careful consideration, your Committee recommends an extension of the prohibition so as to apply to all counties having a population of 75,000 or upwards. This will result in extending it to thirteen additional counties, all of them prosperous and apparently abundantly able to adequately compensate such officials for the loss of opportunity to add to their salaries by private practice. In order, however, to make it possible to secure competent men for those positions, in view of this action, the Legislature is to be further empowered at any time to consolidate the offices of County Judge and Surrogate in any county. The compensation of the County Judges is to be directly fixed by the Boards of Supervisors of the counties, or other officials exercising powers similar to those now vested in such boards, instead of through the Legislature as at present, and except in case of such consolidation, it is provided that the compensation of a judge or justice of any court in the State, shall be neither increased nor decreased during the term of office for which he was elected or appointed.

Commissioners of Jurors

In conformity with the recommendation of a number of judges who have appeared before it, your Committee reports a provision for the appointment of Commissioners of Jurors in all counties

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having a population of upwards of 75,000 inhabitants, to be chosen by the Justices of the Supreme Court, their terms of office and compensation to be fixed by the Legislature, which shall also prescribe and define their duties.

Impeachment

One of the arguments employed by advocates of the recall of judges has been that the proceeding to remove judges by impeachment was so cumbersome as to be impracticable, and not to afford a feasible remedy for the removal of an unfit judge, save in extraordinary cases of political significance. For the purpose of removing this argument and, without in the slightest degree detracting from the dignity and importance of trial by impeachment, but to make it conform with the reasonable requirements of practical judicial procedure, your Committee recommends a provision authorizing the Court for the Trial of Impeachments to order all or any part of the testimony to be taken and reported by a committee composed of members of the court, reserving, however, to the impeached officer the right to testify before the court, if he so desire.

Court of Claims

To end the recurrent scandals resulting from the Legislature dealing with the Court of Claims as a mere political football, your Committee has provided for the continuance of this court as a constitutional court. Two courses only appear to be open in dealing with this matter. One, to transfer to the Supreme Court the jurisdiction now exercised by the present Court of Claims, the other, to provide in the Constitution for the continuance of that tribunal as a court. The Court of Claims is the development of the Legislative Committee or Statutory Board of Audit. Its jurisdiction is essentially different from that of ordinary courts of justice. It should have power to exercise this jurisdiction in a simple summary manner, without being hampered by technical rules of law, and your Committee, therefore, recommends that it be continued as at present constituted, with power in the Legislature to increase its members, the judges to have authority separately to take testimony in any case, but a majority of the court to concur in any award.

Consolidation of Local Courts

Very greatly increased efficiency has been realized by the consolidation of numerous small courts into single tribunals, so organized that their entire judicial force may be kept occupied, and

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the business within the jurisdiction of the court fairly distributed among its various terms and parts. Numerous and different plans of consolidation have been advocated before your Committee, some even going to the length of urging the absorption of all the courts of the State into one great tribunal, having original and appellate jurisdiction. Without yielding to such extreme suggestions as these, your Committee has realized the force of the criticism of the unsatisfactory organization of the courts of civil and criminal jurisdiction in the city of New York, intermediate the Supreme Court and the courts of inferior civil and criminal jurisdiction. These latter courts recently have been reorganized, so that the court of limited civil jurisdiction, the Municipal Court is vested with jurisdiction throughout the Greater City, holding terms in each of the five boroughs, its judges, under the direction of its Presiding Judge, being authorized to sit wherever the business of the court requires, and that business being distributed as the requirements of its due and prompt determination may demand. The Court of Special Sessions, and the Magistrates' Courts in the city of New York, in like manner have been reorganized with jurisdiction throughout the greater city, and with provisions for the conduct of its business similar to those applicable to the Municipal Court. The Association of the Bar of the city of New York has recommended that the Legislature be empowered to abolish County Courts within the City of New York and to extend over the whole city, the jurisdiction of the Court of General Sessions in and for the city and county of New York, so far as regards criminal jurisdiction, and the jurisdiction of the City Court of the city of New York, so far as regards civil jurisdiction. In its opinion, such consolidated courts would relieve the Supreme Court of a great number of small cases, and would make homogeneous courts of civil and criminal jurisdiction, respectively, which would better meet the requirements of the business in the city of New York than the existing separate courts. Similar consolidations have been made with very satisfactory results in other cities. In conformity with those recommendations, your Committee reports the following provisions:

From and after January 1, 1917, the jurisdiction of the Court of General Sessions of the City of New York is extended throughout the greater city. The County Courts of Kings, Queens, Richmond and Bronx are abolished, and their jurisdiction transferred to the Court of General Sessions, the judges of such

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County Courts becoming judges of the Court of General Sessions, the successors of the judges so transferred to be elected by the electors of the counties in which they respectively reside. Owing to the rapid growth of population in Bronx county, the Legislature is empowered to provide one additional judge from that county if it shall deem it proper so to do. One of the principal difficulties in accomplishing this consolidation lies in the difference in the salaries paid to the judges. Those of the Court of General Sessions at present receive salaries of $17,500 per annum, the County Court Judges in Kings, Queens and Bronx each $10,000 per annum and in Richmond $7,500 per annum. Your Committee has provided that the present incumbents shall continue to receive those salaries until the expiration of their respective terms, but that their successors, who shall be elected for periods of fourteen years, shall be paid a salary to be fixed by the Legislature.

From and after January 1, 1917, the jurisdiction of the City Court of New York is extended throughout the Greater City, and the pecuniary limit for which it may entertain actions for the recovery of money increased to $5,000. Provision is made for electing additional judges of the court, two from the county of Kings, and one from each of the counties of Bronx and Queens. The Legislature is empowered to provide one additional judge from Kings County should it deem proper so to do. The amount of civil business in the County Court of Richmond does not seem sufficient to require provision to be made for a judge of the City Court from that county, but provision is made for a separate surrogate therein.

Children's Courts

To enable the Legislature to keep pace with modern theories of dealing with delinquent children, not as criminals, but as wards of the State, and of regulating domestic relations on a broader basis than the mere enforcement of penal laws, your Committee has reported a provision empowering the Legislature to establish inferior or local courts with territorial jurisdiction throughout the counties in which they are situated, and to confer upon them, or upon existing courts, power to try without a jury offenses of the grade of misdemeanor, and to establish children's courts and courts of domestic relations, with jurisdiction found to be essential for the successful administration of such courts.

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Jury Exemptions

Exemptions from liability to jury service have been granted by the Legislature from time to time to various classes of citizens. It is difficult to imagine any sound reason for the existence of some of these exemptions. Many judges who have appeared before your Committee have attributed to these exemptions difficulties experienced in securing in important cases juries of sufficient intelligence to comprehend the issues involved. Your Committee is inclined to the opinion that except in the case of physicians and surgeons in active practice, exemptions from liability to jury duty should be limited to persons employed in the public service; but recognizing the difficulty of fairly determining this question within the limitations necessarily imposed upon it, your Committee has recommended that no others be exempt unless and except the judges empowered to make the Civil Practice rules shall so provide. It is believed that this body, charged with formulating the rules governing procedure in the Courts, will be better qualified to determine what classes of persons may be exempted from jury duty without impairment to the administration of justice. Soldiers and sailors of the United States army or navy, members of the National Guard and volunteer firemen now serving as such or heretofore honorably discharged are excepted from this prohibition.

Torrens Law

The Committee has also recommended a provision authorizing the enactment of laws to provide for a system of judicial authentication and guaranty by the State or by any county of titles to real property, the determination of adverse claims to and interests therein and the establishment by means of fees or otherwise of protective funds to make such system operative, and to confer upon existing courts of record such administrative powers as are necessary in carrying out such system. The advocates of the so-called Torrens Law system have pressed upon your Committee recommendations for the establishment of separate land courts or land divisions in the Supreme Court and provisions authorizing the Legislature to confer upon administrative officers judicial powers in carrying out this system. Your Committee has felt, however, that no separate Land Division or Land Court was either necessary or desirable, and it is of the opinion that it is inexpedient to confer judicial powers upon administrative officers.

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Your Committee has adopted and included in the article reported portions of the proposed constitutional amendments introduced by the following named delegates: Messrs. Clearwater, Steinbrink, Aiken, Rodenbeck, Baldwin, R. B. Smith, Cobb, Mandeville, Reeves, C. H. Young, Tuck, Sheehan, Fobes, Rosch, Lincoln, Heaton, McKean, Leggett, Ostrander, Coles, Brenner, Barrett, Dunmore, Angell, Wiggins, Green, Stimson.

Your Committee gratefully acknowledges the valuable suggestions, explanations and information received from the gentlemen who introduced these amendments as well as from other proposals which furnished helpful suggestions.

GEORGE W. WICKERSHAM,
Chairman.

LOUIS MARSHALL,	ADOLPH J. RODENBECK,
ALBERT F. GLADDING,	A. T. CLEARWATER,
HENRY L. STIMSON,	WILLIAM F. SHEEHAN,
CHARLES H. YOUNG,	D. RAYMOND COBB,
MEIER STEINBRINK,	CHARLES B. SEARS,
WILLIAM N. DYKMAN,	EDGAR TRUMAN BRACKETT,
DELANCEY NICOLL,	(with some reservations),
ROBERT F. WAGNER,	JOHN B. STANCHFIELD.

Mr. Dunmore presented the following minority report:

With profound respect for the judgment of the majority of this Committee and their report, I find myself constrained to dissent from it, but in one particular only, I am in perfect accord with all the provisions of the majority report excepting the provision continuing the Court of Claims. While that is called a court, it is made in fact merely a board of audit. While this court annually passes upon greater property values perhaps than is passed upon by any like number of judges of the State, yet it is limited to fixing the value of the property, and is denied jurisdiction, to determine the value of a small incumbrance upon it. While this judiciary article recognizes this court as good enough as between the State and the owner to pass upon the value of property worth perhaps a million of dollars, it is not recognized as good enough as between the owner and a mortgagee to pass upon the amount owing upon a mortgage for a hundred dollars. Consequently after a claimant has had his lawsuit with the State

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he must have another law suit with the other claimants before he can get his pay for property taken from him by the State without his consent, I think the Court of Claims should have jurisdiction to determine the share of several claimants in any award. That would avoid multiplicity of actions and save expense and delay for claimants.

Dated August 12, 1915.

W. T. DUNMORE.

The Convention resolved itself into a Committee of the Whole for the consideration of the special order, being "Proposed constitutional amendment to amend Article XII of the Constitution, generally, in relation to cities and villages and their powers of self-government." (No. 781, Int. No. 712.)

After some time spent therein, the hour of one o'clock P. M. having arrived, the Convention took a recess until two o'clock and thirty minutes P. M.

TWO O'CLOCK AND THIRTY MINUTES P. M.

The Convention again convened and resolved itself into a Committee of the Whole and resumed the consideration of the special order being Proposed Constitutional Amendment to amend article twelve of the Constitution generally, in relation to cities and villages and their powers of self-government. (No. 781, Int. No. 712.)

After some time spent therein the point of no quorum having been raised the President resumed the chair.

Mr. Wickersham moved a call of the members of the Convention.

Mr. President put the question whether the Convention would agree to said motion and it was determined in the affirmative.

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By direction of the President, the secretary called the roll, when the following delegates responded:

Allen F C	Deyo	Law	Ostrander	Smith R B
Angell	Dick	Leary	Parmenter	Standart
Austin	Donnelly	Leggett	Parsons	Stimson
Bannister	Donovan	Lincoln	Phillips S K	Stowell
Barnes	Dow	Linde	Potter	Tanner
Barrett	Dunlap	Low	Reeves	Tuck
Bayes	Dunmore	McKean	Rhees	Van Ness
Beach	Fancher	Mandeville	Rodenbeck	Wagner
Bell	Fobes	Martin F	Ryan	Weed
Berri	Foley	Martin L M	Sanders	Westwood
Betts	Franchot	Marshall	Sargent	White C J
Blauvelt	Green	Mealy	Saxe M	Wickersham
Bockes	Haffen	Meigs	Schurman	Wiggins
Clearwater	Hale	Mereness	Sears	Williams
Clinton	Heaton	Nicoll C	Sharpe	Winslow
Cobb	Johnson	Nicoll D	Shipman	Wood
Cullinan	Kirby	Nixon	Slevin	Young F L
Curran	Landreth	Nye	Smith A E	President
Dennis	Latson	O'Brian J L	Smith E N	

Mr. Barnes offered for the consideration of the Convention a resolution in the words following:

Resolved, That the Committee of the Whole be discharged from the further consideration of Proposed Amendment No. 786, Int. No. 701 entitled "Proposed Constitutional Amendment to amend article three of the Constitution, relating to the powers of the Legislature."

which was agreed to.

Said Proposed Amendment having been announced on motion of Mr. Barnes the same was amended as follows:

Page 1, line 7, strike out the words "for materials furnished" and insert the words "in pursuance of a judgment or for property."
Page 1, line 10, strike out the word "minimum".

Ordered reprinted and recommitted to the Committee of the Whole.

The Convention again resolved itself into a Committee of the Whole and resumed the consideration of said special order.

After some time spent therein the President resumed the chair and Mr. Austin from said committee reported progress and asked leave to sit again.

Mr. President put the question on granting leave to sit again and it was determined in the affirmative.

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On motion of Mr. Wickersham, the amendments offered to General Orders No. 50, and now pending in the Committee of the Whole were ordered printed for the use of the members when the committee resumes its session.

Mr. Barnes offered for the consideration of the convention a resolution in words following:

Resolved, That if this Convention adopts Proposed Constitutional Amendment Int. No. 701 in its final form, such proposed amendment be submitted to the electors at the general election to be held in November, 1917.

Said resolution giving rise to debate, ordered that the same be laid upon the table.

Mr. Wickersham moved that all further proceedings under the call be dispensed with.

Mr. President put the question whether the Convention would agree to said motion and it was determined in the affirmative.

The hour of five o'clock and thirty minutes P. M. having arrived, the President declared the Convention in recess until eight o'clock and thirty minutes P. M.

EIGHT O'CLOCK AND THIRTY MINUTES P. M.

The Convention again convened.

Mr. Quigg raised the point of order that there was not a quorum present.

At the direction of the President the Secretary called the roll of delegates and the following responded.

Aiken	Deyo	Landreth	Nixon	Smith E N
Allen F C	Dick	Latson	O'Brian J L	Smith R B
Austin	Donnelly	Law	Owen	Standart
Bannister	Dunmore	Leggett	Parsons	Steinbrink
Barnes	Fancher	Lincoln	Phillips J S	Stimson
Barrett	Fobes	Linde	Phillips S K	Tanner
Bell	Foley	Low	Potter	Tierney
Berri	Franchot	McLean	Quigg	Tuck
Betts	Gladding	Mandeville	Rhees	Van Ness
Blauvelt	Green	Marshall	Rodenbeck	Wagner
Bockes	Greff	Martin F	Sanders	Weed
Bunce	Haffen	Martin L M	Sargent	Westwood
Byrne	Hale	Meigs	Schurman	White C J
Clinton	Heaton	Mereness	Sears	Wickersham
Cobb	Hinman	Nicoll C	Shipman	Young C H
Cullinan	Johnson	Nicoll D	Slevin	President
Curran	Kirby			

On motion of Mr. Wickersham, the Convention adjourned.

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SATURDAY, AUGUST 14, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. J. Addison Jones.

On motion of Mr. Wickersham, the journal of Thursday, August 12th, was approved.

The Convention resolved itself into a Committee of the Whole and proceeded to the consideration of the special order, being "Proposed constitutional amendment, to amend Article XII of the Constitution generally, in relation to cities and villages and their powers of self-government" (No. 781, Int. No. 712).

After some time spent therein the President resumed the chair, and Mr. Austin from said committee reported progress, and asked leave to sit again on said special order at its next session.

Mr. President put the question on granting leave to sit again, and it was determined in the affirmative.

On motion of Mr. Wickersham, the amendments offered in the Committee of the Whole to special Order No. 50 were ordered printed.

Mr. Deyo was excused from Monday sessions.

On motion of Mr. Wickersham, the Convention adjourned.

MONDAY, AUGUST 16, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. Charles Graves.

On motion of Mr. Wickersham the journal of Friday, August 13th, was approved.

Mr. Stimson offered for the consideration of the Convention a resolution in the words following:

Resolved, That the Committee on Revision and Engrossment be discharged from the further consideration of Proposed Amendment (No. 802, Int. No. 709) entitled "Proposed Constitutional Amendment to amend the Constitution, by inserting a new article, in relation to the budget, and to amend Section 21 of Article III of the Constitution."

which was agreed to.

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Said proposed amendment having been announced, on motion of Mr. Stimson the same was amended as follows:

Page 4, line 9, after the word "year" strike out "for" and insert "next succeeding that in".

Ordered, Reprinted and recommitted to said committee.

Mr. Westwood offered for the consideration of the Convention a resolution in the words following:

Resolved, That the Committee on Revision and Engrossment be discharged from the further consideration of Proposed Amendment (No. 806, Int. No. 679) entitled "Proposed Constitutional Amendment to amend the Constitution, by inserting a new article, in relation to taxation, and that the same be recommitted to the Committee on Taxation with instructions to report the same forth with amended as follows:

Strike out all of Section 1 after the first sentence and insert the following:

"No real property whatsoever, except that of the United States, shall hereafter be exempt from taxation, but nothing herein contained shall be held to impair the validity of the existing contracts of the State."

Said resolution giving rise to debate, ordered that the same be laid upon the table.

The Convention resolved itself into a Committee of the Whole and proceeded to the consideration of the special order, being the Proposed Constitutional Amendment to amend Article XII of the Constitution generally, in relation to cities and villages and their powers of self-government (No. 781, Int. No. 712).

After some time spent therein the hour of one o'clock P. M. having arrived the convention took a recess until two o'clock and thirty minutes P. M.

TWO O'CLOCK AND THIRTY MINUTES P. M.

The Convention again convened and resolved itself into a Committee of the Whole and resumed consideration of the Special Order being Proposed Constitutional Amendment to amend Article XII of the Constitution generally, in relation to cities and villages and their powers of self-government (No. 781, Int. No. 712).

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After some time spent therein, the President resumed the chair and Mr. Austin from said committee reported progress and recommended that said proposition be recommitted to the Committee on Cities, together with all amendments offered, with instructions to report thereon Thursday, August 19th, at ten o'clock A. M., which report was agreed to and said proposition recommitted to the Committee on Cities.

On motion of Mr. Low amendments offered in the Committee of the Whole to General Order No. 50 were ordered printed.

On motion of Mr. Wickersham the convention took a recess until eight o'clock and thirty minutes P. M.

EIGHT O'CLOCK AND THIRTY MINUTES P. M.

The Convention again convened.

Mr. J. L. O'Brian from the Committee on Rules presented the following report:

The Committee on Rules recommends the adoption of the following:

Resolved, That the following measures be made special orders and considered by the Convention in the order named:

1. General Order No. 61 (Judiciary) following General Order No. 38 (Public Utilities).
2. General Order No. 49 (Charities).
3. General Order No. 27 (Literacy Test).
4. General Order No. 47 (Canals).

Mr. President put the question whether the Convention would agree to said report and resolution and it was determined in the affirmative.

Mr. Wickersham offered for the consideration of the Convention a resolution in the words following:

Resolved, That 500 additional copies of the report of the Judiciary Committee and the amended Article VI reported by it (General Orders No. 61) be printed for the use of the Convention.

Mr. President put the question whether the Convention would agree to said resolution and it was determined in the affirmative.

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Mr. Low offered for the consideration of the Convention a resolution in the words following:

Resolved, That the Committee of the Whole be discharged from the further consideration of Proposed Amendment (No. 788, Int. No. 713) entitled "Proposed Constitutional Amendment to amend Section 10 of Article VIII of the Constitution by dividing it into two sections to be known respectively as Sections 10 and 11, by amending the second part thereof, and by adding a new section to be known as Section 12."

which was agreed to.

Said proposed amendment having been announced, on motion of Mr. Low the same was amended as follows:

Page 2, line 4, after the words "Section 11." insert the following:

"No county or city shall be allowed to become indebted for any purpose or in any manner to an amount which, including existing indebtedness, shall exceed ten per centum of the assessed valuation of the real estate of such county or city subject to taxation, as it appeared by the assessment rolls of said county or city on the last assessment for State or county taxes prior to the incurring of such indebtedness; and all indebtedness in excess of such limitation, except such as now may exist, shall be absolutely void, except as herein otherwise provided."

Page 2, line 9, strike out the word "issuance" and insert in place thereof the word "issuing".

Page 3, line 10, strike out the word "and", and insert in place thereof the word "any".

Ordered, Reprinted and recommitted to said committee.

The Convention resolved itself into a Committee of the Whole and proceeded to the consideration of the special order being the Proposed constitutional amendment to amend Article III of the Constitution, relating to the powers of the Legislature (No. 808, Int. No. 701).

After some time spent therein the President resumed the chair and Mr. Phillips, from said committee, reported progress and asked leave to sit again immediately.

Mr. President put the question on granting leave to sit again and it was determined in the affirmative.

On motion of Mr. Wickersham, the time for the consideration of the special order being proposed constitutional amendment to

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amend Article III of the Constitution, relating to the powers of the Legislature (No. 808, Int. 701) was extended to eleven o'clock and thirty minutes P. M. subject to the same limitations of debate heretofore made.

The Convention again resolved itself into a Committee of the Whole and resumed the consideration of said special order.

After some time spent therein, the President resumed the Chair and Mr. Phillips from said committee reported in favor of striking out the enacting clause of said proposed amendment.

On motion of Mr. Barnes, the consideration of said report was postponed until Tuesday, August 17th, at noon.

On motion of Mr. Wickersham, the Convention adjourned.

TUESDAY, AUGUST 17, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. J. G. Carlile, Troy.

On motion of Mr. Wickersham, the journal of Friday, August 13th, was approved.

Mr. Foley presented the memorial of the residents of the Fourteenth Senatorial District, which was referred to the Committee on Civil Service.

Mr. Lincoln offered for the consideration of the Convention a resolution, in words following:

Resolved, That the Committee on Revision and Engrossment be discharged from the further consideration of proposed amendment (No. 804, Int. No. 711) entitled "Proposed constitutional amendment to amend Section four of article II of the Constitution, in respect to the enactment of election and registration laws, that it be amended to read as follows and as so amended be reprinted and recommitted to the Committee on Revision and Engrossment:

"§ 4. Laws shall be made 'for the regulation of elections' 'and for' ascertaining[,] no proper proofs[,] the [citizens] established[,] and for [the] 'their annual' registration [of voters;], which [registration] shall be completed at least [ten] 'fifteen' days before each 'general election.' Such registration shall not

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be required for town and village elections except by express provision of law. In cities and villages having five thousand inhabitants or more, according to the last preceding state enumeration of inhabitants, [voters] 'electors' shall be registered upon personal application only. 'Laws may be made providing for special registration therein on personal application before such boards of officers as the legislature shall designate, on a day or days not more than five months prior to the day of election, of such electors as shall then declare under oath that they are engaged in a regular vocation or occupation which will occasion their absence from the county during each of the regular days of registration. Such laws shall require electors so specially registered to establish, on the first regular day of registration, their continued right to vote in the election district for which they were registered but shall not require further personal appearance'[; but voters]. 'Electors' not residing in such cities or villages shall not be required to apply in person for registration at the first meeting of the officers having charge of the registry of voters."

Said resolution giving rise to debate, ordered that the same be laid upon the table.

On motion of Mr. Lincoln, "Proposed constitutional amendment to amend Section four of Article II of the Constitution, in respect to the enactment of election and registration laws" (No. 804, Int. No. 711), was ordered printed to conform to the proposed amended bill.

Mr. Westwood moved to take from the table his motion to discharge the Committee on Revision and Engrossment from further consideration of "Proposed constitutional amendment to amend the Constitution, by inserting a new article, in relation to taxation" (No. 806, Int. No. 679), laid upon the table under the rule.

Mr. President put the question whether the Convention would agree to said motion to take from the table, and it was determined in the affirmative.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the negative.

THOSE WHO VOTED IN THE NEGATIVE

Adams	Dick	Jones	Nye	Smith T F
Ahearn	Donnelly	Kirby	O'Brian J L	Steinbrink
Aiken	Donovan	Landreth	O'Connor	Stimson
Allen F C	Doughty	Latson	Olcott	Stowell
Angell	Dow	Law	Parker	Tierney
Bannister	Dunmore	Leary	Parmenter	Tuck
Bayes	Dykman	Leitner	Parsons	Unger
Beach	Eisner	Lennox	Pelletreau	Van Ness
Bell	Endres	Linde	Reeves	Wadsworth

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Berri	Eppig	Low	Rhees	Wagner	
Blauvelt	Fobes	McKean	Rodenbeck	Weber R E	
Brackett	Foley	McLean	Ryder	Weed	
Brenner	Ford	Mandeville	Sargent	White C J	
Burkan	Green	Marshall	Saxe M	Wickersham	
Clearwater	Greff	Martin F	Sharpe	Wiggins	
Clinton	Griffin	Martin L M	Shipman	Williams	
Coles	Haffen	Mathewson	Slevin	Winslow	
Cullinan	Hale	Meigs	Smith A E	Young C H	
Curran	Hinman	Nicoll C	Smith E N	Young F L	
Dennis	Johnson	Nicoll D	Smith R B	President	101
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THOSE WHO VOTED IN THE AFFIRMATIVE

Barnes	Franchot	Nixon	Sears	Westwood	
Barrett	Leggett	Quigg	Standart	Whipple	
Bockes	Lincoln	Sanders			13

Mr. Rodenbeck, from the Committee on Revision and Engrossment, to which was referred the proposed constitutional amendment, introduced by the Committee on Education (No. 801, Int. No. 698), entitled "Proposed constitutional amendment to amend Section one of Article IX of the Constitution, in relation to the supervision and control by the State of the education of children," reports the same as examined and found correctly engrossed.

ADOLPH J. RODENBECK,
Chairman.

Which report was accepted and said proposed amendment ordered placed on the third reading calendar.

On motion of Mr. R. B. Smith, the report of the Committee on Revision and Engrossment on "Proposed constitutional amendment to amend Section twenty-eight of Article III of the Constitution, in relation to the granting or allowing of extra compensation by legislative bodies or auditing boards, bodies or officers" (No. 747, Int. No. 289), was taken from the table and agreed to and said proposition ordered engrossed for a third reading.

On motion of Mr. Lindsay, the report of the Committee on Revision and Engrossment on "Proposed constitutional amendment to amend Section fifteen of Article I of the Constitution of the State of New York, in relation to Indians" (No. 793, Int. No. 707), was taken from the table and agreed to and said proposition ordered engrossed for a third reading.

The Convention resolved itself into a Committee of the Whole and proceeded to the consideration of the special order, being the "Proposed constitutional amendment to amend Article V of the

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Constitution by adding a new section thereto, in relation to public service commissions." (No. 767.)

After some time spent therein, the President resumed the chair, and Mr. Steinbrink, from said Committee, reported progress and asked leave to sit again.

Mr. President put the question on granting leave to sit again and was determined in the affirmative.

On motion of Mr. Barnes, the report of the Committee of the Whole on "Proposed constitutional amendment to amend Article III of the Constitution, relating to the powers of the Legislature" (No. 808, Int. No. 701), was taken from the table.

Mr. President put the question whether the Convention would agree to said report, and it was determined in the affirmative, and the enacting clause of said proposition ordered stricken out.

THOSE WHO VOTED IN THE AFFIRMATIVE

Ahearn	Dennis	Jones	Parker	Stanchfield	
Aiken	Deyo	Kirk	Parmenter	Standart	
Allen F C	Dick	Landreth	Parsons	Stimson	
Angell	Donnelly	Leary	Pelletreau	Tuck	
Baldwin	Donovan	Leitner	Phillips S K	Unger	
Bannister	Dow	Lincoln	Reeves	Van Ness	
Barrett	Dunlap	Lindsay	Rhees	Wagner	
Bayes	Eisner	Low	Sanders	Ward	
Beach	Endres	McLean	Saxe M	Waterman	
Bell	Eppig	Mandeville	Schurman	Weed	
Bernstein	Fobes	Martin F	Sears	Westwood	
Brackett	Foley	Martin L M	Sharpe	White C J	
Burkan	Franchot	Marshall	Shipman	Wickersham	
Byrne	Green	Nicoll C	Slevin	Wiggins	
Clinton	Greff	Nicoll D	Smith A E	Williams	
Cobb	Griffin	Nixon	Smith E N	Winslow	
Curran	Haffen	O'Brian J L	Smith R B	Young F L	
Dahm	Harawitz	O'Brien M J	Smith T F	President	
Daly	Johnson	O'Connor			93

THOSE WHO VOTED IN THE NEGATIVE

Adams	Buxbaum	Hinman	Meigs	Sheehan	
Austin	Clearwater	Kirby	Mereness	Steinbrink	
Barnes	Cullinan	Latson	Nye	Stowell	
Berri	Doughty	Law	Olcott	Tierney	
Betts	Dunmore	Leggett	Potter	Vanderlyn	
Blauvelt	Dykman	Lennox	Quigg	Wadsworth	
Bockes	Ford	Linde	Ryder	Weber R E	
Brenner	Hale	McKean	Sargent	Whipple	
Bunce	Heaton	Mathewson	Saxe J G	Young C H	45

On motion of Mr. R. B. Smith, the report of the Committee on Revision and Engrossment on "Proposed constitutional amendment to amend Article III and Section four of Article IV of the

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Constitution, in relation to voluntary sessions of the Legislature and the Assembly" (No. 775, Int. No. 291), was taken from the table and agreed to and said proposition ordered engrossed for a third reading.

On motion of Mr. Wickersham, the Convention took a recess until two o'clock and thirty minutes P. M.

TWO O'CLOCK AND THIRTY MINUTES P. M.

The Convention again convened.

Mr. Westwood offered for the consideration of the Convention a resolution in the words following:

Resolved, That the Committee on Public Utilities be discharged from the further consideration of Proposed amendment (No. 491, Int. No. 479) entitled "Proposed constitutional amendment to add a new Section to Article VII, to require that provision be made annually for the up-keep to improve highways."

which was agreed to.

Said Proposed amendment having been announced, on motion of Mr. Westwood the same was amended as follows:

Page 1, line 5, after the word "until" insert in italics "repealed or". Line 6, strike out "suffi". Line 7 strike out "cient additional" and the word "adequate".

Ordered, Reprinted and recommitted to said committee.

The Convention resolved itself into a Committee of the Whole and resumed the consideration of the Special Order being Proposed constitutional amendment to amend Article V of the Constitution, by adding a new section thereto in relation to public service commissions (No. 767).

After some time spent therein, the President resumed the Chair and Mr. Steinbrink from said committee reported progress and asked leave to sit again.

Mr. President put the question on granting leave to sit again and it was determined in the affirmative.

Mr. Deyo offered for the consideration of the Convention a resolution in the words following:

Resolved, That the Committee on Bill of Rights be discharged from the further consideration of Proposed amendment (No. 394,

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Int. No. 387) entitled "Proposed constitutional amendment to amend Section nine of Article I of the Constitution, to prevent gambling in stocks and commodities."

which was agreed to.

Said Proposed amendment having been announced, on motion of Mr. Deyo the same was amended as follows:

By striking out all the italicized portion and adding at the end of line 3, page 2, the following words in italics:

Any contract between customer and broker or principal and agent, respecting the purchase or sale upon credit or margin of corporate stocks, bonds or other securities, or commodities, where the parties thereto intend that such contract shall be terminated, closed or settled between such customer and broker or principal and agent upon the basis of the public market quotations of prices for such securities or commodities, is hereby declared to be a gambling contract within the meaning of this section.

Ordered, Reprinted and recommitted to said committee.

Mr. Rodenbeck from the Committee on Revision and Engrossment, to which was referred the Proposed constitutional amendment to amend Section six of Article III of the Constitution, in relation to the compensation and expenses of members of the Legislature.

Also, the Proposed constitutional amendment, introduced by the Committee On the State Finances, Revenues and Expenditures (No. 784, Int. No. 705) entitled "Proposed constitutional amendment to amend Sections two, four, five, eleven and twelve of Article VII of the Constitution, in relation to debts contracted by the State."

Also, the Proposed constitutional amendment, introduced by the Committee On the State Finances, Revenues and Expenditures (No. 809, Int. No. 709) entitled "Proposed constitutional amendment to amend the Constitution, by inserting a new Article, in relation to the budget, and to amend Section twenty-one of Article III of the Constitution," reports the same as examined, found correct and correctly engrossed.

ADOLPH J. RODENBECK,
Chairman.

Which report was accepted and said Proposed amendments ordered placed on the third reading calendar.

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The hour of five o'clock and thirty minutes P. M. having arrived the President declared the Convention in recess until eight o'clock and thirty minutes P. M.

EIGHT O'CLOCK AND THIRTY MINUTES P. M.

The Convention again convened.

Mr. Lincoln offered, for the consideration of the Convention a resolution in the words following:

Resolved, That the Committee on Revision and Engrossment be discharged from the further consideration of Proposed amendment (No. 806, Int. No. 679) entitled " Proposed constitutional amendment to amend the Constitution, by inserting a new Article, in relation to taxation."

which was agreed to.

Said Proposed amendment having been announced on motion of Mr. Lincoln the same was amended as follows:

By inserting on page 2, line 15, after the word " town " the following: ", except a city,".

Ordered, Reprinted and recommitted to said committee.

Mr. Rodenbeck from the Committee on Revision and Engrossment, to which was referred the Proposed constitutional amendment, introduced by Mr. R. B. Smith (No. 800, Int. No. 289) entitled " Proposed constitutional amendment to amend Section twenty-eight of Article III of the Constitution, in relation to the granting or allowing of extra compensation by legislative bodies or auditing boards, bodies or officers."

Also, the Proposed constitutional amendment, introduced by the Committee on Relations to Indians (No. 799, Int. No. 707) entitled " Proposed constitutional amendment to amend Section fifteen of Article I of the Constitution of the State of New York, in relation to Indians."

Also the Proposed constitutional amendment, introduced by Mr. R. B. Smith (No. 798, Int. No. 291) entitled " Proposed constitutional amendment to amend Article III and Section four of

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Article IV of the Constitution, in relation to voluntary sessions of the Legislature and the Assembly."

Reports the same as examined, found correct and correctly engrossed.

ADOLPH J. RODENBECK,
Chairman.

which report was accepted and said proposed amendment ordered placed on the third reading calendar.

The Convention resolved itself into a Committee of the Whole and resumed consideration of the special order, being "Proposed constitutional amendment to amend Article V of the Constitution, by adding a new Section thereto, in relation to public service commissions" (No. 767).

After some time spent therein the President resumed the Chair and Mr. Steinbrink from said committee reported progress and asked leave to sit again.

Mr. President put the question on granting leave to sit again and it was determined in the affirmative.

On motion of Mr. Hale the amendments offered in the Committee of the Whole to General Order No. 38 were ordered printed.

The hour of ten o'clock and thirty minutes P. M. having arrived, the President declared the Convention adjourned.

WEDNESDAY, AUGUST 18, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. John Bulnes, DeFreestville.

On motion of Mr. Wickersham, the journal of Monday, August 16th, was approved.

The President presented the resolutions of the Buffalo Chamber of Commerce, which were referred to the Committee on Canals.

Mr. Brackett presented the communication of Hon. E. R. Brown, which was referred to the Committee on Governor and Other State Officers.

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Mr. Stimson, from the Committee on State Finances and Expenditures, reported by proposed amendment entitled "Proposed constitutional amendment to amend Section twenty of Article III of the Constitution, in relation to the appropriation of public moneys for constructive purposes" (Int. No. 719), which was read twice and said committee reported in favor of the passage of the same.

Which report was agreed to and said proposed amendment ordered printed and referred to the Committee of the Whole.

Mr. Stimson, for the Committee on State Finances, Revenues and Expenditures, makes the following report:

Your Committee presents herewith a bill which is intended to remedy abuses in the appropriations of public moneys for local improvements.

Section twenty of Article III of the Constitution adopted in 1821 was probably intended to apply to all appropriations made for local improvements. The courts, however, have held that such acts are not private or local but public, "inasmuch as the general improvement of the public highways of the State, whether canals or rivers that are navigable, is for the benefit of the State at large though some locality or some individuals may be benefited more than others."

Waterloo Co. vs. Shanahan, 128 N. Y. 345.

The power of making such improvements in the interest of the State at large is clearly one which must be retained by the Legislature. The problem is to guard against its abuse, and the evidence that it is constantly abused is abundant. The debate on the budget brought out numerous specific instances of bills having been passed where the benefit to be derived by the State from the use of its moneys in the local improvement seemed extremely slender.

Your Committee further finds that it is not uncommon for an appropriation to be made and an undertaking begun without the Legislature having in its possession full or complete plans and estimates of the cost of the improvement. Thereafter when it turns out that the improvement will cost very much more than the original appropriation, the fact that the work has been begun and expenditures already incurred is made a reason for proceeding with a work which might never have been undertaken had the Legislature known its true cost.

Your Committee has considered carefully the various possible

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remedies to check the evil. The methods suggested in the enclosed bill were adopted as a regulation by the Senate Committee on Finance under the Chairmanship of Mr. Higgins, afterward Governor, and resulted in a great diminution in the number of bills. Some similar methods are also in use in the National Congress in dealing with river and harbor appropriation. The Congress requires the Chief of Engineers to certify before undertaking a given improvement that the river in question is worthy of improvement at the expense of the Federal Government at that time. Your Committee believes that the introduction of these methods of ordinary business prudence and foresight; to require the preliminary formulation of plans and estimates and the certificate of the responsible officer at the head of the department which has charge of State construction, will do far more towards checking excessive appropriations of this kind than the requirement of a two-thirds vote in the Houses of the Legislature.

Your Committee finds that under the present methods of the Legislature it is very easy for the two-thirds vote to be recorded without very great care being exercised to see that it was actually obtained and it finds further that popular legislators rarely have any difficulty in obtaining a two-thirds vote, irrespective of party lines. It therefore believes that the protection suggested in the accompanying bill will be much more effective in obtaining the desired end and will still leave the Houses of the Legislature under the control of the majority required by ordinary parliamentary procedure.

Very respectfully submitted,

HENRY L. STIMSON,

Chairman.

Mr. Marshall, from the Committee on Bill of Rights, reported by proposed amendment entitled "Proposed constitutional amendment to amend Article I of the Constitution generally and to repeal Section one, Article VII of the Constitution and to amend Section nine of Article VIII of the Constitution" (Int. No. 720), which was read twice and said committee reported in favor of the passage of the same.

Which report was agreed to and said proposed amendment ordered printed and referred to the Committee of the Whole.

Mr. Clinton, from the Committee on Canals, to which was referred proposed amendment introduced by Mr. Cullinan (No. 590, Int. No. 575), entitled "Proposed constitutional amendment to amend Section ten of Article I of the Constitution, in

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respect to the ownership by the State of all waters within its jurisdiction," reported in favor of the passage of the same, with the following amendments:

Page 1, line 9, strike out all after the words "jurisdiction of the State."

Strike out all of line 10, on page 1, and the three lines on page 2.

which report was agreed to, and said proposition ordered reprinted as amended, and referred to the Committee of the Whole.

Proposed amendment (No. 746, Int. No. 78), entitled "Proposed constitutional amendment to amend Section fifteen of Article III of the Constitution, relative to the passage of bills by the Legislature, by striking out the authorization for the passage of bills under emergency messages from the Governor," was read the third time and passed, a majority of the delegates elected to the Convention voting in favor thereof.

THOSE WHO VOTED IN THE AFFIRMATIVE:

Adams	Donnelly	Leggett	Parker	Standart	
Aiken	Doughty	Leitner	Parmenter	Steinbrink	
Allen F C	Dow	Lennox	Parsons	Stimson	
Austin	Drummond	Lincoln	Pelletreau	Stowell	
Baldwin	Dunmore	Linde	Phillips J S	Tierney	
Bannister	Dykman	Lindsay	Phillips S K	Tuck	
Barrett	Endres	Low	Potter	Vanderlyn	
Bayes	Eppig	Mandeville	Reeves	Van Ness	
Bell	Fobes	Martin F	Rhees	Wadsworth	
Berri	Foley	Martin L M	Rodenbeck	Wagner	
Betts	Ford	Marshall	Ryan	Ward	
Blauvelt	Gladding	Mathewson	Ryder	Waterman	
Brackett	Green	Mealy	Sanders	Weber R E	
Brenner	Greff	Meigs	Sargent	Weed	
Burkan	Griffin	Mereness	Saxe J G	Westwood	
Buxbaum	Haffen	Newburger	Saxe M	Wheeler	
Clearwater	Hale	Nicoll C	Schoonhut	Whipple	
Clinton	Heaton	Nicoll D	Schurman	White C J	
Cobb	Hinman	Nixon	Sears	Wickersham	
Cullinan	Johnson	Nye	Sharpe	Williams	
Curran	Jones	O'Brian J L	Sheehan	Winslow	
Dahm	Kirby	O'Brien M J	Shipman	Wood	
Daly	Landreth	O'Connor	Smith A E	Young C H	
Dennis	Latson	Olcott	Smith E N	Young F L	
Deyo	Law	Ostrander	Stanchfield	President	127
Dick	Leary				

Proposed amendment (No. 801, Int. No. 698) entitled "Proposed constitutional amendment to amend Section one of Article IX of the Constitution, in relation to the supervision and control by the State of the education of children," having been announced,

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Mr. Shipman moved that said bill be recommitted to the Committee on Education with instruction to report the same forthwith amended as follows:

Page 1, line 4, after the word "the" insert "secular".

Mr. President put the question whether the Convention would agree to said motion, and it was determined in the affirmative.

Mr. Schurman, from the Committee on Education, reported said proposition amended as directed, and the same was ordered reprinted and restored to the order of third reading.

Proposed amendment (No. 761, Int. No. 531) entitled "Proposed constitutional amendment to amend Section four of Article XI of the Constitution, in relation to the appointment of military officers by the Governor," was read the third time and passed, a majority of the delegates elected to the Convention voting in favor thereof.

THOSE WHO VOTED IN THE AFFIRMATIVE:

Adams	Deyo	Latson	Ostrander	Stanchfield
Ahearn	Dick	Law	Owen	Standart
Aiken	Donnelly	Leary	Parker	Steinbrink
Allen F C	Doughty	Leggett	Parmenter	Stimson
Austin	Dow	Leitner	Parsons	Stowell
Baldwin	Drummond	Lennox	Pelletreau	Tierney
Bannister	Dunmore	Lincoln	Phillips J S	Tuck
Barnes	Dykman	Linde	Phillips S K	Unger
Barrett	Eisner	Lindsay	Potter	Vanderlyn
Bayes	Endres	Low	Reeves	Van Ness
Bell	Eppig	McKean	Rhees	Wadsworth
Berri	Fobes	Mandeville	Rodenbeck	Wagner
Betts	Foley	Martin F	Rosch	Ward
Brenner	Ford	Martin L M	Ryan	Waterman
Bunce	Gladding	Marshall	Ryder	Weber R E
Burkan	Green	Mathewson	Sanders	Weed
Buxbaum	Greff	Mealy	Sargent	Westwood
Byrne	Griffin	Meigs	Saxe J G	Wheeler
Clearwater	Haffen	Mereness	Schoonhut	Whipple
Clinton	Hale	Newburger	Schurman	White C J
Cobb	Harawitz	Nicoll D	Sears	Wickersham
Coles	Heaton	Nixon	Sharpe	Williams
Cullinan	Hinman	Nye	Sheehan	Winslow
Curran	Johnson	O'Brian J L	Shipman	Wood
Dahm	Jones	O'Brien M J	Slevin	Young C H
Daly	Kirby	O'Connor	Smith A E	Young F L
Dennis	Landreth	Olcott	Smith E N	President 135

Proposed amendment (No. 794, Int. No. 534) entitled "Proposed constitutional amendment to amend Section five of Article XI of the Constitution, in relation to the manner of election of military officers prescribed by Legislature," was read the third

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time and passed, a majority of the delegates elected to the Convention voting in favor thereof.

THOSE WHO VOTED IN THE AFFIRMATIVE:

Adams	Donnelly	Latson	Ostrander	Stanchfield
Ahearn	Doughty	Law	Owen	Standart
Aiken	Dow	Leary	Parker	Steinbrink
Allen F C	Drummond	Leggett	Parsons	Stimson
Austin	Dunlap	Leitner	Pelletreau	Stowell
Baldwin	Dunmore	Lennox	Phillips J S	Tierney
Barrett	Dykman	Lincoln	Phillips S K	Tuck
Bayes	Eisner	Linde	Potter	Unger
Bell	Endres	Low	Reeves	Vanderlyn
Bernstein	Eppig	McKean	Rhees	Wadsworth
Berri	Fobes	Mandeville	Rodenbeck	Wagner
Betts	Ford	Martin F	Rosch	Ward
Brenner	Gladding	Marshall	Ryan	Waterman
Bunce	Green	Mathewson	Ryder	Weber R E
Burkan	Greff	Mealy	Sargent	Weed
Buxbaum	Griffin	Meigs	Saxe J G	Westwood
Byrne	Haffen	Mereness	Schoonhut	Wheeler
Clearwater	Hale	Newburger	Schurman	Whipple
Cobb	Harawitz	Nicoll D	Sears	Wickersham
Coles	Heaton	Nixon	Sharpe	Williams
Cullinan	Johnson	Nye	Sheehan	Wood
Dahm	Jones	O'Brian J L	Shipman	Young C H
Daly	Kirby	O'Brien M J	Slevin	Young F L
Dennis	Kirk	O'Connor	Smith A E	President
Dick	Landreth	Olcott	Smith E N	124

Proposed amendment (No. 764, Int. No. 535) entitled "Proposed constitutional amendment to amend Section six of Article XI of the Constitution, in relation to the removal of commissioned officers for absence without leave," was read the third time and passed, a majority of the delegates elected to the Convention voting in favor thereof.

THOSE WHO VOTED IN THE AFFIRMATIVE:

Adams	Dow	Leggett	Parker	Steinbrink
Austin	Drummond	Leitner	Parsons	Stimson
Baldwin	Dunlap	Lennox	Pelletreau	Stowell
Bannister	Dunmore	Lincoln	Phillips J S	Tierney
Barrett	Dykman	Linde	Phillips S K	Tuck
Bayes	Eisner	Lindsay	Potter	Unger
Bell	Endres	Low	Reeves	Vanderlyn
Bernstein	Eppig	McKean	Rhees	Van Ness
Berri	Fobes	Mandeville	Rodenbeck	Wadsworth
Betts	Ford	Martin F	Rosch	Wagner
Brenner	Franchot	Martin L M	Ryan	Ward
Bunce	Gladding	Marshall	Ryder	Waterman
Burkan	Greff	Mathewson	Sanders	Weber R E
Buxbaum	Griffin	Mealy	Sargent	Weed
Byrne	Haffen	Meigs	Saxe J G	Westwood
Cobb	Hale	Mereness	Schoonhut	Wheeler
Coles	Harawitz	Newburger	Schurman	Whipple
Cullinan	Heaton	Nicoll D	Sears	White C J

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Curran	Johnson	Nixon	Sharpe	Wickersham
Dahm	Jones	Nye	Sheehan	Williams
Daly	Kirby	O'Brian J L	Shipman	Winslow
Dennis	Kirk	O'Brien M J	Slevin	Wood
Deyo	Landreth	O'Connor	Smith A E	Young C H
Dick	Latson	Olcott	Smith E N	Young F L
Donnelly	Law	Ostrander	Stanchfield	President
Doughty	Leary	Owen	Standart	129

Proposed amendment (No. 741, Int. No. 697) entitled "Proposed constitutional amendment to amend Section six of Article III of the Constitution, in relation to the compensation and expenses of members of the Legislature," having been announced,

Mr. Wickersham moved to recommit said proposed amendment to the Committee of the Whole.

Mr. President put the question whether the Convention would agree to said motion, and it was determined in the affirmative.

Proposed amendment (No. 784, Int. No. 705) entitled "Proposed constitutional amendment to amend Section two, four, five, eleven and twelve of Article VII of the Constitution, in relation to debts contracted by the State," was read the third time and passed, a majority of the delegates elected to the Convention voting in favor thereof.

THOSE WHO VOTED IN THE AFFIRMATIVE:

Adams	Dennis	Jones	Olcott	Smith E N
Ahearn	Deyo	Kirby	Ostrander	Smith R B
Aiken	Dick	Landreth	Owen	Stanchfield
Allen F C	Donnelly	Latson	Parker	Standart
Austin	Donovan	Law	Parmenter	Steinbrink
Bannister	Dooling	Leary	Parsons	Stimson
Barnes	Doughty	Leggett	Pelletreau	Stowell
Barrett	Dow	Leitner	Phillips J S	Tierney
Bayes	Drummond	Lennox	Phillips S K	Tuck
Beach	Dunlap	Lincoln	Potter	Unger
Bell	Dunmore	Linde	Reeves	Vanderlyn
Bernstein	Dykman	Lindsay	Rhees	Van Ness
Berri	Eisner	Low	Rodenbeck	Wadsworth
Betts	Endres	McKean	Rosch	Wagner
Blauvelt	Eppig	Mandeville	Ryan	Ward
Bockes	Fobes	Martin F	Ryder	Waterman
Brenner	Foley	Martin L M	Sanders	Weber R E
Bunce	Ford	Marshall	Sargent	Weed
Burkan	Franchot	Mathewson	Saxe J G	Westwood
Buxbaum	Gladding	Mealy	Saxe M	Wheeler
Byrne	Green	Meigs	Schoonhut	Whipple
Clearwater	Greff	Mereness	Schurman	White C J
Clinton	Griffin	Newburger	Sears	Wickersham
Cobb	Haffen	Nicoll D	Sharpe	Winslow
Coles	Hale	Nixon	Sheehan	Wood
Cullinan	Harawitz	Nye	Shipman	Young C H
Curran	Heaton	O'Brian J L	Slevin	Young F L
Dahm	Hinman	O'Brien M J	Smith A E	President 142
Daly	Johnson			

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Proposed amendment (No. 809, Int. No. 709) entitled "Proposed constitutional amendment to amend the Constitution, by inserting a new article, in relation to the budget, and to amend Section twenty-one of Article III of the Constitution," having been announced,

Mr. Wagner moved to recommit said proposed amendment to the Committee on State Finances and Expenditures.

Mr. President put the question whether the Convention would agree to said motion, and it was determined in the negative.

The hour of one o'clock P. M. having arrived, Mr. President declared the Convention in recess until two o'clock and thirty minutes P. M.

TWO O'CLOCK AND THIRTY MINUTES P. M.

The Convention again convened and resumed the third reading calendar.

Proposed amendment (No. 809, Int. No. 709) was then read the third time and passed, a majority of the delegates elected to the Convention voting in favor thereof.

THOSE WHO VOTED IN THE AFFIRMATIVE:

Adams	Daly	Landreth	Owen	Smith R B
Ahearn	Dennis	Latson	Parker	Stanchfield
Aiken	Deyo	Law	Parmenter	Steinbrink
Allen F C	Dick	Leary	Parsons	Stimson
Austin	Donnelly	Leggett	Phillips J S	Stowell
Baldwin	Doughty	Lennox	Phillips S K	Tierney
Bannister	Dow	Lincoln	Potter	Tuck
Barnes	Drummond	Linde	Quigg	Unger
Barrett	Dunlap	Lindsay	Reeves	Vanderlyn
Bayes	Dunmore	Low	Rhees	Van Ness
Beach	Dykman	McKean	Rodenbeck	Wadsworth
Bell	Eisner	Mandeville	Rosch	Wagner
Bernstein	Eppig	Marshall	Ryan	Ward
Berri	Fobes	Martin F	Ryder	Waterman
Betts	Foley	Martin L M	Sanders	Weber R E
Bockes	Ford	Mathewson	Sargent	Weed
Brenner	Gladding	Mealy	Saxe J G	Westwood
Bunce	Green	Meigs	Saxe M	Wheeler
Burkan	Greff	Newburger	Schoonhut	Whipple
Buxbaum	Griffin	Nicoll C	Schurman	White C J
Byrne	Haffen	Nicoll D	Sears	Wickersham
Clearwater	Hale	Nixon	Sharpe	Williams
Clinton	Heaton	Nye	Sheehan	Winslow
Cobb	Hinman	O'Brian J L	Shipman	Wood

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Coles	Johnson	O'Brien M J	Slevin	Young C H	
Cullinan	Kirby	O'Connor	Smith A E	Young F L	
Curran	Kirk	Olcott	Smith E N	President	137
Dahm					

THOSE WHO VOTED IN THE NEGATIVE:

Brackett	Dooling	Endres	Ostrander	4

Proposed amendment (No. 800, Int. No. 289) entitled "Proposed Constitutional Amendment to amend Section twenty-eight of Article III of the Constitution, in relation to the granting or allowing of extra compensation by legislative bodies or auditing boards, bodies or officers," was read the third time and passed, a majority of the delegates elected to the Convention voting in favor thereof.

THOSE WHO VOTED IN THE AFFIRMATIVE:

Adams	Deyo	Kirk	Olcott	Stanchfield	
Ahearn	Dick	Landreth	Owen	Steinbrink	
Aiken	Donnelly	Latson	Parker	Stimson	
Baldwin	Donovan	Law	Parmenter	Stowell	
Bannister	Doughty	Leary	Parsons	Tierney	
Barrett	Dow	Leggett	Phillips J S	Tuck	
Bayes	Drummond	Lennox	Phillips S K	Unger	
Beach	Dunlap	Lincoln	Quigg	Vanderlyn	
Bell	Dunmore	Linde	Reeves	Van Ness	
Bernstein	Dykman	Lindsay	Rhees	Wadsworth	
Berri	Eisner	Low	Rodenbeck	Wagner	
Betts	Endres	McKean	Rosch	Ward	
Bockes	Eppig	Mandeville	Ryan	Waterman	
Brackett	Fobes	Martin F	Ryder	Weber R E	
Bunce	Foley	Martin L M	Sanders	Weed	
Burkan	Ford	Marshall	Sargent	Westwood	
Buxbaum	Gladding	Mathewson	Saxe J G	Wheeler	
Byrne	Green	Mealy	Saxe M	Whipple	
Clearwater	Greff	Meigs	Schoonhut	White C J	
Clinton	Griffin	Mereness	Schurman	Wickersham	
Cobb	Haffen	Newburger	Sears	Williams	
Coles	Hale	Nicoll D	Sharpe	Winslow	
Cullinan	Heaton	Nixon	Shipman	Wood	
Curran	Hinman	O'Brian J L	Slevin	Young C H	
Dahm	Johnson	O'Brien M J	Smith E N	Young F L	
Daly	Jones	O'Connor	Smith R B	President	132
Dennis	Kirby				

THOSE WHO VOTED IN THE NEGATIVE:

Austin	Dooling	Ostrander	Potter	4

Proposed amendment (No. 799, Int. No. 707) entitled, "Proposed Constitutional Amendment to amend Section fifteen of Article I of the Constitution of the State of New York, in relation to Indians," was read the third time and passed, a majority of the delegates elected to the Convention voting in favor thereof.

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THOSE WHO VOTED IN THE AFFIRMATIVE:

Adams	Deyo	Landreth	Owen	Steinbrink
Aiken	Dick	Latson	Parker	Stimson
Allen F C	Donnelly	Law	Parmenter	Stowell
Austin	Donovan	Leggett	Parsons	Tierney
Baldwin	Dooling	Lennox	Phillips S K	Tuck
Bannister	Doughty	Lincoln	Potter	Unger
Barrett	Dow	Linde	Quigg	Vanderlyn
Bayes	Drummond	Lindsay	Reeves	Van Ness
Beach	Dunmore	Low	Rhees	Wadsworth
Bell	Dykman	McKean	Rodenbeck	Wagner
Bernstein	Eisner	Mandeville	Rosch	Ward
Berri	Endres	Marshall	Ryan	Waterman
Bockes	Eppig	Martin F	Ryder	Weber R E
Brenner	Fobes	Martin L M	Sanders	Weed
Bunce	Foley	Mathewson	Sargent	Westwood
Burkan	Ford	Mealy	Saxe M	Wheeler
Buxbaum	Gladding	Meigs	Schoonhut	Whipple
Byrne	Greff	Mereness	Schurman	White C J
Clearwater	Haffen	Newburger	Sears	Wickersham
Clinton	Hale	Nicoll D	Sharpe	Williams
Cobb	Heaton	Nixon	Sheehan	Winslow
Coles	Hinman	Nye	Shipman	Wood
Cullinan	Johnson	O'Brian J L	Slevin	Young C H
Curran	Jones	O'Brien M J	Smith E N	Young F L
Dahm	Kirby	Olcott	Smith R B	President
Daly	Kirk	Ostrander	Stanchfield	130
Dennis				

Proposed amendment (No. 798, Int. No. 291) entitled, "Proposed Constitutional Amendment to amend Article III and Section four of Article IV of the Constitution, in relation to voluntary sessions of the Legislature and the Assembly," having been announced, debate was had.

Mr. Marshall moved to recommit said Proposed Amendment to the Committee of the Whole with instructions to report forthwith, amended as follows:

Moved to strike out from line 5, page 1, the words "continuing joint rule" and substitute "law" and strike out from line 1, page 2, the word "continuing rule" and insert in place thereof the word "law".

Mr. Clinton moved to amend Mr. Marshall's motion by striking out the instructions therein contained and inserting the following:

Page 1, line 5, strike out word "continuing" and insert after the word "rule" the following: "which shall continue in force until abrogated or amended by both the senate and the assembly".

Page 2, line 1, strike out word "continuing" and insert after the word "rule" the following: "which shall continue in force until abrogated or amended by the assembly".

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Mr. Sheehan moved to further amend Mr. Marshall's motion by adding thereto the following instructions:

Page 2, strike out all the italicized matter and brackets in lines 9 and 10.

Mr. President put the question whether the Convention would agree to said motion of Mr. Sheehan and it was determined in the negative.

Mr. President put the question whether the Convention would agree to said motion of Mr. Clinton and it was determined in the affirmative.

Mr. President put the question whether the Convention would agree to said motion of Mr. Marshall, as amended, and it was determined in the affirmative.

Said Proposed amendment was thereupon reported amended as directed.

Mr. Sheehan moved to recommit said Proposed amendment to the Committee of the Whole with instructions to report forthwith, amended as follows:

Restore section 4 to the form of the present Constitution by striking out all the italicized matter in lines 9 and 10 and the brackets in line 10.

Mr. President put the question whether the Convention would agree to said motion, and it was determined in the affirmative.

Said Proposed amendment was thereupon reported amended as directed, ordered reprinted and restored to the order of third reading.

Mr. Rodenbeck from the Committee on Revision and Engrossment to which was referred the Proposed Constitutional Amendment, introduced by the Committee on Taxation, (No. 812, Int. No. 679) entitled, "Proposed Constitutional Amendment to amend the Constitution, by inserting a new article, in relation to taxation," reports the same as examined, found correct and correctly engrossed.

ADOLPH J. RODENBECK,
Chairman.

which report was accepted and said Proposed amendment ordered placed on the third reading calendar.

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The Convention resolved itself into a Committee of the Whole for the consideration of the special order being Proposed Constitutional Amendment to amend Article V of the Constitution, by adding a new Section thereto, in relation to Public Service Commissions. (No. 767).

After some time spent therein the President resumed the Chair.

Mr. Steinbrink from said committee reported progress and recommended that the proposed amendment, General Orders No. 38, be recommitted to the Committee on Public Utilities together with all proposed amendments and substitutes, with instruction to report back on Friday morning, August 20th, at 10 o'clock.

which report was agreed to and said Proposed amendment recommitted to the Committee on Public Utilities with instructions to report upon the same Friday, August 20th, at ten o'clock A. M.

On motion of Mr. Unger, and by unanimous consent the fact that he would if present have voted in the affirmative on the passage of Proposed Amendment No. 746, Int. No. 78, was ordered entered upon the journal.

On motion of Mr. Wickersham the Convention took a recess until eight o'clock and thirty minutes P. M.

EIGHT O'CLOCK AND THIRTY MINUTES P. M.

The Convention again convened and resolved itself into a Committee of the Whole, and proceeded to the consideration of special order being Proposed constitutional amendment to amend Article 6 of the constitution generally. (No. 807, Int. No. 718).

After some time spent therein the President resumed the chair, and Mr. Wagner from said committee reported progress and asked leave to sit again.

Mr. President put the question on granting leave to sit again and it was determined in the affirmative.

The hour of ten o'clock and thirty minutes P. M. having arrived, the President declared the Convention adjourned.

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THURSDAY, AUGUST 19, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. Walter T. Bazaar.

On motion of Mr. Wickersham, the journal of Tuesday, August 17th, was approved.

Mr. Mereness offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Revision and Engrossment be discharged from further consideration of Proposed amendment (No. 789, Int. No. 708) entitled "Proposed constitutional amendment to insert in the Constitution a new article in relation to the Constitution (sic) of Natural Resources;" that said article be amended as follows:

Insert at the end of section 2 in italics: "The Department may authorize the sale by the State of land owned by it, not forest lands, and not within or contiguous to a State park; and excepting the island in and lands adjacent to Lake George. The proceeds of such sales shall be used for the purchase of land within the State parks."

And as so amended that the same be printed and recommitted to the Committee on Revision and Engrossment.

Said resolution giving rise to debate, ordered that the same be laid upon the table.

Mr. Schurman offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Revision and Engrossment be discharged from the further consideration of proposed amendment (No. 818, Int. No. 698) entitled "Proposed constitutional amendment to amend Section one of Article IX of the Constitution, in relation to the supervision and control by the State of the education of children."

which was agreed to.

Said proposed amendment having been announced, Mr. Schurman moved that said bill be recommitted to the Committee on Education with instructions to report the same forthwith amended as follows:

On page 1, line 4, strike out the words "secular education of

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children as a State function" and insert in place thereof in italics the following: "education of children in its free common schools and shall exercise such supervision and control elsewhere than in such schools as it now possesses,".

Mr. President put the question whether the Convention would agree to said motion, and it was determined in the affirmative.

Mr. Schurman, from the Committee on Education, reported said bill amended as directed, and the same was ordered reprinted and placed on the order of third reading.

Mr. John Lord O'Brian, from the Committee on Counties, Towns and Villages, their Organization and Government, to which were referred the several Proposed constitutional amendments in relation to changes in the form of county government, as follows:

No. 12, introduced by Mr. C. H. Young.
No. 115, introduced by Mr. Kirby.
No. 178, introduced by Mr. L. M. Martin.
No. 202, introduced by Mr. Barrett.
No. 288, introduced by Mr. R. B. Smith.
No. 313, introduced by Mr. Low.
No. 314, introduced by Mr. Wiggins.
No. 319, introduced by Mr. L. M. Martin.
No. 455, introduced by Mr. Baldwin.
No. 462, introduced by Mr. Barrett.
No. 511, introduced by Mr. E. N. Smith.
No. 523, introduced by Mr. Coles.
No. 524, introduced by Mr. Coles.
No. 553, introduced by Mr. Eisner.
No. 634, introduced by Mr. Donnelly.
No. 650, introduced by Mr. Cobb.
No. 655, introduced by Mr. Green.
No. 678, introduced by Mr. Dunmore.

reports that the committee has held a number of hearings on them, and on the subject-matter embraced in the several Proposed constitutional amendments. It has also made a careful study of Article III and Article X of the present Constitution, which contain provisions relating to the government of counties and the powers, duties and functions of various county, town and village officers.

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The committee reported by proposed amendment, entitled "Proposed constitutional amendment to amend Article III and Article X of the Constitution, in relation to the form of county government, and to the powers and duties of certain county, town and village officers" (Int. No. 721), which was read twice and said Committee reported in favor of the passage of the same, which report was agreed to, and said Proposed amendment ordered printed and referred to the Committee of the Whole.

Mr. Cullinan, from the Committee on Suffrage, to which was referred proposed amendment introduced by Mr. Wiggins (No. 51, Int. No. 51), entitled "Proposed constitutional amendment to amend Section one, Article II of the Constitution, to change the length of residence in a county of a voter from four months to thirty days," reported in favor of the passage of the same, with the following amendment:

On page 1, line 4, strike out "] thirty days " and insert "] " after the word " last " on same line.

which report was agreed to, and said proposition ordered reprinted as amended, and referred to the Committee of the Whole.

The Convention resolved itself into a Committee of the Whole, and proceeded to the consideration of the special order, being "Proposed constitutional amendment to amend Article VI of the Constitution, generally." (No. 807, Int. No. 718.)

After some time spent therein, the hour of one o'clock having arrived, the Convention took a recess until two o'clock and thirty minutes P. M.

TWO O'CLOCK AND THIRTY MINUTES P. M.

The Convention again convened and resolved itself into a Committee of the Whole, and resumed the consideration of the Special Order, being "Proposed constitutional amendment to amend Article VI of the Constitution generally." (No. 807, Int. No. 718.)

After some time spent therein, the hour of five o'clock and thirty minutes P. M. having arrived, the Convention took a recess until eight o'clock and thirty minutes P. M.

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EIGHT O'CLOCK AND THIRTY MINUTES P. M.

The Convention again convened and resolved itself into a Committee of the Whole and resumed consideration of the Special Order, being "Proposed constitutional amendment to amend Article VI of the Constitution, generally." (No. 807, Int. 718.)

After some time spent therein, the President resumed the Chair, and Mr. Wagner, from said committee, reported progress and asked leave to sit again.

Mr. President put the question on granting leave to sit again, and it was determined in the affirmative.

Mr. Low, from the Committee on Cities, to which was recommitted Proposed amendment introduced by the Committee on Cities (General Order No. 50, Printed No. 781, Int. No. 712), entitled "Proposed constitutional amendment to amend Article XII of the Constitution generally, in relation to cities and villages and their powers of self-government," together with various proposed amendments and proposed substitutes therefor offered in Committee of the Whole, retaining its place on General Orders, reports in favor of the passage of the same amended to read as follows:

Article twelve of the constitution is hereby amended to read as follows:

Section 1. It shall be the duty of the legislature *by general laws* to provide for the organization of *new* cities, [and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessments and in contracting debt by such municipal corporations; and the legislature may regulate and fix the wages or salaries, the hours of work or labor, and make provision for the protection, welfare and safety of persons employed by the state or by any county, city, town, village or other civil division of the state, or by any contractor or subcontractor performing work, labor or services for the state, or for any county, city, town, village or other civil division thereof.] *and to prescribe their initial form of government in such manner as shall secure to them the exercise of the powers granted to cities in this article. Except as provided in this constitution it shall be the duty of the legislature to restrict the powers of taxation and assessment so*

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as to prevent abuses in taxation and assessments by any city or incorporated village.

§ [1 part]2. The legislature may regulate and fix the wages *and, except as otherwise provided in this article, the salaries* and *may also regulate and fix* the hours of work or labor, and make provision for the protection, welfare and safety of persons employed by the state or by any county, city, town, village or other civil division of the state, or by any contractor or subcontractor performing work, labor or services for the state, or for any county, city, town, village or other civil division thereof.

§ 3. *Every city shall have exclusive power to manage, regulate and control its property, affairs and municipal government subject to the provisions of this constitution and subject further to the provisions of the general laws of the state, of laws applying to all the cities of the state without classification or distinction, and of laws applying to a county not wholly included within a city establishing or affecting the relation between such a county and a city therein.*

Such power shall be deemed to include among others:

a. The power to organize and manage all departments, bureaus, or other divisions of its municipal government and to regulate the powers, duties, qualifications, mode of selection, number, terms of office, compensation and method of removal of all city officers and employees, including all police and health officers and employees paid by the city, and of all nonjudicial officers and employees attached to courts not of record, and to regulate the compensation of all officers not chosen by the electors and of all employees of counties situated wholly within a city except assistants and employees of district attorneys and except officers and employees of courts of record.

b. The power, as hereinafter provided, to revise or enact amendments to its charter in relation to its property, affairs or municipal government and to enact amendments to any local or special law in relation thereto. A city may enact amendments to its charter or any existing special or local law in relation to any matter of state concern the management, regulation and control of which shall have been delegated to the city by law, until and unless the legislature, pursuant to the provisions of section four of this article shall enact a law inconsistent with such amendments. The term "charter" is declared for the purposes of this article to include any general city law enacted for the cities of one class in so far as it applies to such city.

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The legislative body of the city may enact such amendments, subject to the approval of the mayor and of the board of estimate and apportionment of the city if any there be; provided, however, that in a city in which any of the members of the board of estimate and apportionment are not elected or in which no such body exists no such amendment shall be enacted without the assent of two-thirds of all members elected to such legislative body. Every such enactment shall embrace only one subject and shall expressly declare that it is such an amendment. Every amendment which changes the framework of the government of the city or modifies restrictions as to issuing bonds or contracting debts shall be submitted to the legislature in the year nineteen hundred and sixteen on or before the fifteenth day of February and in any year thereafter during the first week of its next regular session, and shall take effect as law sixty days after such submission unless in the meantime the legislature shall disapprove the same by joint resolution. Every other such amendment shall take effect upon its enactment as above provided without such submission to the legislature.

The legislature by general law shall provide for a public notice and opportunity for a public hearing by the legislative body of the city concerning any such amendment before final action thereon by it.

At the general election in the year one thousand nine hundred and seventeen and unless its charter shall otherwise provide in every eighth year thereafter, every city shall submit to the electors thereof, either at a general or special election, the question "shall there be a commission to revise the charter of the city?" and may at the same time choose seven commissioners to revise the city charter provided, however, that in the city of New York the number of such commissioners shall be sixteen, nine of whom shall be chosen by the electors of the entire city, two by the electors of the borough of Manhattan, two by the electors of the borough of Brooklyn, and one each by the electors of the boroughs of the Bronx, Queens and Richmond respectively. Such revision when completed shall be filed in the office of the city clerk, and not less than six weeks after such filing shall be submitted to the electors of the city at the next ensuing general election or at a special election to be called for that purpose. If such revision be approved by the affirmative vote of the majority of the electors voting thereon such revision shall be submitted to the legislature

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during the first week of its session in January of the year following the approval thereof, and if not disapproved by the legislature by joint resolution within sixty days thereafter shall thereupon take effect as law except as therein otherwise specified. The legislature shall by general law provide for carrying into effect the provisions of this paragraph.

Every charter revision and every amendment of any provision of law, enacted pursuant to this section, shall be deposited with the secretary of state and published as the legislature may direct.

§ [2]4. All cities are classified according to the latest enumeration, as from time to time made, as follows: The first class includes all cities having a population of one hundred and seventy-five thousand or more; the second class, all cities having a population of fifty thousand and less than one hundred and seventy-five thousand; the third class, all other cities. [Laws relating to the property, affairs of government of cities, and the several departments thereof, are divided into general and special city laws; general city laws are those which relate to all the cities of one or more classes; special city laws are those which relate to a single city, or to less than all the cities of a class.]

The legislature may delegate to cities for exercise within their respective local jurisdictions such of its powers of legislation as to matters of State concern as it may from time to time deem expedient.

The legislature shall pass no law relating to the property, affairs or municipal government of any city excepting such as is applicable to all the cities of the state without classification or distinction.

The provisions of this article shall not be deemed to restrict the powers of the legislature to pass laws regulating matters of state concern as distinguished from matters relating to the property, affairs, or municipal government of cities.

Laws affecting the government of cities in matters of state concern and applying to less than all the cities of the state without classification or distinction are defined for the purposes of this article as special city laws. Special city laws shall not be passed except in conformity with the provisions of this section. After any bill for a special city law[, relating to a city,] has been passed by both branches of the legislature, the house in which it originated shall immediately transmit a certified copy thereof to the mayor of such city, and within fifteen days thereafter the mayor shall return such bill to *the clerk of* the house

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from which it was sent, [or if the session of the legislature at which such bill was passed has terminated, to the governor] with the mayor's certificate thereon, stating whether the city has or has not accepted the same. In every city of the first class, the mayor, and in every other city, the mayor and the legislative body thereof concurrently, shall act for such city as to such bill; but the legislature may provide for the concurrence of the legislative body in cities of the first class. The legislature shall provide for a public notice and opportunity for a public hearing concerning any such bill in every city to which it relates, before action thereon. Such a bill, if it relates to more than one city, shall be transmitted to the mayor of each city to which it relates, and shall not be deemed accepted unless accepted as herein provided, by every such city. Whenever any such bill is accepted as herein provided, it shall be subject as are other bills, to the action of the governor. Whenever, during the session at which it was passed any such bill is returned without the acceptance of the city or cities to which it relates, or within such fifteen days is not returned, it may nevertheless again be passed by both branches of the legislature, and it shall then be subject as are other bills, to the action of the governor. In every special city law which has been accepted by the city or cities to which it relates, the title shall be followed by the words "accepted by the city," or "cities," as the case may be; in every such law which is passed without such acceptance, by the words "passed without the acceptance of the city," or "cities," as the case may be.

§ [3]*5*. All elections of city officers, including supervisors and judicial officers of inferior local courts, elected in any city or part of a city, and of county officers elected in the counties of New York [and], Kings, *Queens, Richmond and Bronx, and* in all counties whose boundaries are the same as those of a city, except to fill vacancies, shall be held on the Tuesday succeeding the first Monday in November in an odd-numbered year, and the term of every such officer shall expire at the end of an odd-numbered year. The terms of office of all such officers elected before the first day of January, one thousand [eight] *nine* hundred and [ninety-five] *seventeen,* whose successors have not then been elected, which under existing laws would expire with an even-numbered year, or in an odd-numbered year and before the end thereof, are extended to and including the last day of December next following the time when such terms would otherwise expire; the terms of office of all such officers, which under existing laws

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would expire in an even-numbered year, and before the end thereof, are abridged so as to expire at the end of the preceding year. This section shall not apply to [any city of the third class, or to] elections of any judicial officers, except judges and justices of inferior local courts.

which report was agreed to, and said proposition ordered reprinted and restored to General Orders.

Mr. Buxbaum offered for the consideration of the Convention a resolution in the words following:

Resolved, That there be printed for the use of the Convention 1,000 copies of the address of the President in the Committee of the Whole August 19th.

which was referred to the Committee on Printing.

The hour of ten o'clock and thirty minutes P. M. having arrived, Mr. President declared the Convention adjourned.

FRIDAY, AUGUST 20, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. Clement G. Martin.

On motion of Mr. Wickersham, the journal of Wednesday, August 18th, was approved.

Mr. J. L. O'Brian, from the Committee on Rules, presented the following report:

The Committee on Rules recommends the adoption of the following special rules:

Resolved, That when the Committee of the Whole resumes consideration of General Order 61 (Judiciary), speeches of individual members be limited to fifteen minutes each unless in individual cases such time be extended by vote of the committee.

Mr. President put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative.

The Convention resolved itself into a Committee of the Whole, and resumed consideration of the special order, being " Proposed

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constitutional amendment to amend Article VI of the Constitution, generally." (No. 807, Int. No. 718.)

After some time spent therein, the President resumed the Chair, and Mr. Wagner, from said Committee, reported progress and asked leave to sit again.

Mr. President put the question on granting leave to sit again, and it was determined in the affirmative.

Mr. Hale, from the Committee on Public Utilities, to which was recommitted proposed amendment introduced by the Committee on Public Utilities (No. 767, Int. No. 706), entitled "Proposed constitutional amendment to amend Article V of the Constitution by adding a new section thereto relating to public service commissions," retaining its place on the order of General Orders, reported in favor of the passage of the same, amended to read as follows:

Article V of the Constitution is hereby amended by adding a new section thereto to be appropriately numbered to read as follows:

Section —. There shall be two public service commissions. The existing public service commissions are continued and the commissioners now in office shall hold their offices until the expiration of their terms. Their successors shall be appointed by the Governor by and with the advice and consent of the Senate and their terms of office shall be five years.

Any commissioner may be removed by the Senate on the recommendation of the Governor stating the grounds on which such removal is recommended.

Each commission shall have the jurisdiction, powers and duties it now has, but nothing herein contained shall prevent the legislature from enlarging, restricting or changing such jurisdiction, powers and duties.

The legislature shall not enact any law prescribing a rate or charge or a standard of service, equipment or operation for any public utility until after it has received from one of the commissions a report thereon made after investigation and hearing at which interested parties may introduce evidence, or until after the expiration of such time following a request for such report as may be prescribed by law."

which report was agreed to, and said proposition ordered reprinted and restored to the order of General Orders.

On motion of Mr. Wickersham, the Convention took a recess until three o'clock P. M.

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THREE O'CLOCK P. M.

The Convention again convened and resolved itself into a Committee of the Whole and resumed the consideration of the special order being Proposed Constitutional Amendment to amend article six of the Constitution, generally. (No. 807, Int. No. 718.)

After some time spent therein the President resumed the chair and Mr. Wagner from said committee reported progress and asked leave to sit again.

Mr. President put the question on granting leave to sit again and it was determined in the affirmative.

Mr. J. L. O'Brian from the committee on rules presented the following report:

Resolved, That the following matters be made special orders in the order named, following the consideration of the present calendar of special orders; namely:

General Order 50 (Cities; Home Rule).
General Order 52 (Cities; Serial Bonds, etc.).
General Order 38 (Public Utilities).
General Order 62 (Special Appropriations).

And that upon the following matters speeches of individual members be limited to ten minutes each unless otherwise ordered in individual cases by vote of the committee, and general debate be limited as follows:

General Order 49 (Charities), one hour.
General Order 27 (Literacy Test), two hours.
General Order 47 (Canals), one hour.
General Order 50 (Cities; Home Rule), two hours.
General Order 52 (Cities; Serial Bonds, etc.), one hour.
General Order 38 (Public Utilities), one hour.
General Order 62 (Special Appropriations), one hour.

Mr. Wiggins moved to amend by extending the time limit for the debate of General Order No. 50 from two to three hours.

Mr. President put the question whether the Convention would agree to said motion and it was determined in the negative.

Mr. Lindsay moved to amend by adding to the list of special orders reported General Order No. 17.

Mr. President put the question whether the Convention would agree to said motion and it was determined in the affirmative.

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Mr. President put the question whether the Convention would agree to said report and resolution as amended and it was determined in the affirmative.

Mr. Berri, from the Committee on Printing, presented the following report:

The Committee on Printing approves and recommends the adoption of the following resolution offered by Mr. Buxbaum:

Resolved, that there be printed for the use of the Convention one thousand copies of the address of the President in the Committee of the Whole, August 19th.

Mr. President put the question whether the Convention would agree to said report and resolution and it was determined in the affirmative.

On motion of Mr. Wickersham, the Convention took a recess until eight o'clock and thirty minutes P. M.

EIGHT O'CLOCK AND THIRTY MINUTES P. M.

The Convention again convened.

Mr. Rodenbeck from the Committee on Revision and Engrossment, to which was referred the Proposed constitutional amendment, introduced by Mr. R. B. Smith (No. 819, Int. No. 291), entitled "Proposed Constitutional Amendment to amend article three and section four of Article IV of the Constitution, in relation to voluntary sessions of the legislature and the assembly."

Also the Proposed Constitutional Amendment, introduced by the Committee on Education (No. 820, Int. No. 698), entitled "Proposed Constitutional Amendment to amend section one of Article IX of the Constitution, in relation to the supervision and control by the state of the education of children."

Reports the same as properly engrossed.

ADOLPH J. RODENBECK,
Chairman.

which report was accepted and said proposed amendments ordered placed on the third reading calendar.

Mr. Marshall offered, for the consideration of the Convention a resolution in the words following:

Resolved, That the Committee on Revision and Engrossment be discharged from the further consideration of Proposed Amend-

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ment (No. 789, Int. No. 708), entitled "Proposed Constitutional Amendment to insert in the Constitution a new article, in relation to the conservation of natural resources.

which was agreed to.

Said proposed amendment having been announced on motion of Mr. Marshall the same was amended as follows:

By striking from page 2, line 15, the word "approval" and in place thereof there be substituted the words "veto within thirty days" also that the word "lake" where it occurs on lines 8 and 9 of page 3 begin with a capital letter.

Ordered reprinted and recommitted to said committee.

The Convention resolved itself into a Committee of the Whole and resumed consideration of the special order being Proposed Constitutional Amendment to amend Article six of the Constitution, generally, (No. 807, Int. No. 718).

After some time spent therein the President resumed the chair and Mr. Wagner from said committee reported progress and asked leave to sit again.

Mr. President put the question on granting leave to sit again and it was determined in the affirmative.

Mr. Dunmore was excused from the session of August 21st.

Mr. Fancher was excused from the sessions of August 21st and 23rd.

Mr. Dick was excused from the session of August 21st.

Mr. Vanderlyn was excused from the sessions of August 21st and 23rd.

Mr. Phillips was excused from the sessions of August 20th and 21st.

Mr. Shipman was excused from the sessions of August 21st and 23rd.

Mr. J. L. O'Brian was excused from the session of August 21st.

The hour of ten o'clock and thirty minutes P. M. having arrived the President declared the Convention adjourned.

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SATURDAY, AUGUST 21, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. C. O. S. Kearton.

On motion of Mr. Wickersham, the journal of Thursday, August 19th, was approved.

Mr. President presented the resolutions of the Buffalo Chamber of Commerce, which were referred to the Committee on Canals.

Mr. Berri, from the Committee on Printing, presented the following report:

Resolved, That the Secretary be directed to have 200 additional copies printed of Record numbers 38 and 40.

Mr. President put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative.

The Convention resolved itself into a Committee of the Whole, and resumed the consideration of the special order, being "Proposed constitutional amendment to amend Article VI of the Constitution, generally." (No. 807, Int. No. 718.)

After some time spent therein, the President resumed the chair, and Mr. Wagner, from said committee, reported progress and asked leave to sit again.

Mr. President put the question on granting leave to sit again, and it was determined in the affirmative.

Mr. Blauvelt offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee of the Whole be discharged from the further consideration of Proposed Amendment (No. 782, Int. No. 31), entitled "Proposed constitutional amendment to amend Article VII by adding a new section relating to highways."

which was agreed to.

Said Proposed amendment having been announced, on motion of Mr. Blauvelt the same was amended as follows:

Page 1, strike out after "13." in line 4 down to and including the comma in line 6 and insert in italics in place thereof the following: "The moneys authorized to be raised by the sale of highway bonds pursuant to the law approved by vote of the people at the

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general election held in the year one thousand nine hundred and twelve."

Page 2, line 2, after the word "as" insert the word "were" in italics.

Ordered, Reprinted and recommitted to the Committee of the Whole.

At the direction of the President, the Secretary called the roll of delegates to ascertain if a quorum was present and the following responded:

Aiken	Deyo	McKinney	Quigg	Smith R B
Allen F C	Haffen	Martin L M	Reeves	Standart
Bayes	Hale	Marshall	Rhees	Steinbrink
Beach	Heaton	Meigs	Rodenbeck	Stimson
Bell	Hinman	Nicoll C	Ryder	Stowell
Berri	Kirby	Nicoll D	Sargent	Tuck
Blauvelt	Landreth	Nixon	Sears	Wagner
Bockes	Latson	Parker	Sharpe	Weed
Buxbaum	Law	Parmenter	Sheehan	Wickersham
Clinton	Lincoln	Phillips J S	Slevin	Wiggins
Cobb	Lindsay	Phillips S K	Smith E N	President
Coles	Low	Potter		

The hour of one o'clock P. M. having arrived, the President declared the Convention in recess until two o'clock and thirty minutes.

TWO O'CLOCK AND THIRTY MINUTES P. M.

The Convention again convened.

At the direction of the President, the Secretary called the roll of delegates to ascertain if a quorum was present and the following responded:

Aiken	Deyo	Low	Phillips S K	Smith R B
Allen F C	Green	McKinney	Potter	Standart
Beach	Haffen	Martin L M	Quigg	Steinbrink
Bell	Hale	Marshall	Rhees	Stimson
Berri	Heaton	Meigs	Rodenbeck	Stowell
Blauvelt	Kirby	Nicoll C	Sargent	Tuck
Bockes	Landreth	Nicoll D	Sears	Wagner
Buxbaum	Latson	Nixon	Sharpe	Weed
Clinton	Law	Parker	Sheehan	Wickersham
Cobb	Lincoln	Parmenter	Slevin	Young C H
Coles	Lindsay	Phillips J S	Smith E N	President

Mr. Quigg moved that the Convention do now adjourn.

Mr. President put the question whether the Convention would agree to said motion, and it was determined in the negative.

Mr. Wood was excused until Friday, August 27th.

On motion of Mr. Wickersham, the Convention adjourned.

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MONDAY, AUGUST 23, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. John Bulness, DeFreestville.

On motion of Mr. Wickersham, the journal of Friday, August 20th, was approved.

The Convention resolved itself into a Committee of the Whole, and resumed the consideration of the special order, being "Proposed constitutional amendment to amend Article VI of the Constitution, generally" (No. 807, Int. No. 718).

After some time spent therein, the hour of one o'clock P. M. having arrived, the Convention took a recess until 2:30 o'clock P. M.

TWO O'CLOCK AND THIRTY MINUTES P. M.

The Convention again convened and resolved itself into a Committee of the Whole, and resumed consideration of the special order, being "Proposed constitutional amendment, to amend Article VI of the Constitution, generally" (No. 807, Int. No. 718).

After some time spent therein, the hour of 5:30 o'clock P. M. having arrived, the Convention took a recess until 8:30 o'clock P. M.

EIGHT O'CLOCK AND THIRTY MINUTES P. M.

The Convention again convened, and resolved itself into a Committee of the Whole, and resumed consideration of the special order, being "Proposed constitutional amendment to amend Article VI of the Constitution, generally" (No. 807, Int. No. 718).

After some time spent therein, the President resumed the chair, and Mr. Wagner, from said committee, reported in favor of the passage of the said Proposed amendment with amendments, which

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report was agreed to, and said proposition ordered reprinted as amended and to a third reading.

The hour of 10:30 o'clock P. M. having arrived, the President declared the Convention adjourned.

TUESDAY, AUGUST 24, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. J. Addison Jones.

On motion of Mr. Wickersham, the journal of Saturday, August 21, was approved.

The President presented the communication of Wm. Pierrepont White, which was referred to the Committee on Public Utilities.

Also, the resolutions of the College Church of Christ, which were referred to the Committee on Education.

The Convention resolved itself into a Committee of the Whole, and proceeded to the consideration of the special order, being the Proposed amendment, entitled "Proposed constitutional amendment, to amend section eleven of article VIII of the Constitution, in relation to the duties and powers of the state commission in lunacy." (No. 783, Int. No. 371.)

After some time spent therein, the President resumed the chair, and Mr. Lindsay, from said committee, reported in favor of the passage of said Proposed amendment, with amendments, which report was agreed to, and said proposition ordered reprinted as amended and to a third reading.

The Convention resolved itself into a Committee of the Whole, and proceeded to the consideration of the special order, being the Proposed amendment, entitled "Proposed constitutional amendment, to amend article XII of the Constitution generally, in relation to cities and villages and their powers of self government," (No. 823, Int. No. 712).

After some time spent therein, the hour of one o'clock P. M. having arrived, the Convention took a recess until 2:30 P. M.

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TWO O'CLOCK AND THIRTY MINUTES P. M.

The Convention again convened and resolved itself into a Committee of the Whole, and resumed consideration of the special order, being "Proposed constitutional amendment, to amend article XII of the Constitution, generally, in relation to cities and villages and their powers of self government" (No. 823, Int. No. 712).

After some time spent therein, the limit of time set for the debate having arrived, the President resumed the chair, and Mr. Lindsay, from said committee, reported progress, and asked leave to sit again, and that the time for debate be extended one hour.

Mr. President put the question on granting leave to sit again and extending the time for debate, and it was determined in the affirmative.

The Convention thereupon again resolved itself into a Committee of the Whole, and resumed the consideration of said special order.

After some time spent therein, the time set for debate having about expired, the President resumed the chair, and Mr. Lindsay, from said committee, reported progress, and asked leave to sit again with an extension of time for debate until 5:30 o'clock P. M.

Mr. President put the question on granting leave to sit again and extending the time for debate, and it was determined in the affirmative.

The Convention thereupon again resolved itself into a Committee of the Whole, and resumed consideration of said special order.

After some time spent therein, the President resumed the chair, and Mr. Lindsay, from said committee, reported in favor of the passage of said Proposed amendment, with amendments, which report was agreed to, and said proposition ordered reprinted as amended and to a third reading.

The hour of 5:30 o'clock P. M. having arrived the President declared the Convention in recess until 8:30 o'clock P. M.

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EIGHT O'CLOCK AND THIRTY MINUTES P. M.

The Convention again convened and resolved itself into a Committee of the Whole, and proceeded to the consideration of the special order, being Proposed amendment, entitled "Proposed constitutional amendment, to amend section 10 of article VIII of the Constitution, by dividing it into two sections, to be known respectively as sections 10 and 11, by amending the second part thereof, and by adding a new section to be known as section 12" (No. 810, Int. No. 713).

After some time spent therein, the President resumed the chair, and Mr. Stanchfield, from said committee, reported progress, and asked leave to sit again.

Mr. President put the question on granting leave to sit again and it was determined in the affirmative.

The Convention resolved itself into a Committee of the Whole, and proceeded to the consideration of the special order being Proposed amendment entitled "Proposed constitutional amendment to amend article II of the Constitution relative to the qualifications of voters," (No. 776, Int. No. 686).

After some time spent therein the President resumed the chair and Mr. Stanchfield from said committee reported progress and asked leave to sit again.

Mr. President put the question on granting leave to sit again and it was determined in the affirmative.

The hour of 10:30 o'clock P. M. having arrived, the President declared the Convention adjourned.

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WEDNESDAY, AUGUST 25, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. J. Addison Jones.

On motion of Mr. Wickersham, the journal of Monday, August 23d, was approved.

Mr. Barnes offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee of the Whole be discharged from the further consideration of Proposed Amendment (No. 770, Int. No. 696) entitled: "Proposed Constitutional Amendment to amend, generally, Article three of the Constitution, following section nine of such article."

which was agreed to.

Said Proposed amendment having been announced, on motion of Mr. Barnes the same was amended as follows:

In the last line of the title after "nine" insert "and to repeal sections twenty-three and twenty-five".

Page 1, line 3, strike out the section mark and insert "Section".

Page 1, line 6, inclose with brackets the semi-colon after "members" and insert in italics before "shall" the word "and".

Page 2, line 3, strike out the section mark and insert "Section".

Page 2, strike out lines 8 to 16, inclusive.

Page 2, line 17, after "hereby" insert "further".

Page 2, line 19, strike out the section mark and insert "Section".

Page 3, strike out lines 4 to 15, inclusive.

Page 3, between lines 15 and 16 insert the following: "Section eighteen of such article is hereby amended to read as follows:"

"Section [§] 18. The legislature shall not pass a private or local bill in any of the following cases:

Changing the names of persons.

Laying out, opening, altering, working or discontinuing roads, highways or alleys, or for draining swamps or other low lands.

Locating or changing county seats.

Providing for changes of venue in civil or criminal cases.

Incorporating villages.

Providing for election of members of boards of supervisors.

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Selecting, drawing, summoning or empaneling grand or petit jurors.

Regulating the rate of interest on money.

The opening and conducting of elections or designating places of voting.

Creating, increasing or decreasing fees, percentages or allowances of public officers, during the term for which said officers are elected or appointed.

" Granting to any corporation, association or individual the right to prove a claim against the state or against any political subdivision thereof.

"Authorizing any political subdivision of the state to allow or pay any claim or account."

Granting to any corporation, association or individual the right to lay down railroad tracks.

Granting to any private corporation, association or individual any exclusive privilege, immunity or franchise whatever.

Granting to any person, association, firm or corporation an exemption from taxation on real or personal property.

Providing for building bridges, and chartering companies for such purposes, except on the Hudson river below Waterford, and on the East river, or over the waters forming a part of the boundaries of the state.

The legislature shall pass general laws providing for the cases enumerated in this section, and for all other cases which in its judgment, may be provided for by general laws. But no law shall authorize the construction or operation of a street railroad except upon the condition that the consent of the owners of one-half in value of the property bounded on, and the consent also of the local authorities having the control of that portion of a street or highway upon which it is proposed to construct or operate such railroad be first obtained, or in case the consent of such property owners, cannot be obtained, the appellate division of the supreme court, in the department in which it is proposed to be constructed, may, upon application, appoint three commissioners who shall determine, after a hearing of all parties interested, whether such railroad ought to be constructed or operated, and their determination, confirmed by the court, may be taken in lieu of the consent of the property owners.

Page 3, line 16, strike out " renumbered section ".

Page 3, line 17, strike out " eighteen and ".

Page 3, line 18, strike out section mark and insert " Section " and strike out the brackets and the numeral " 18 ".

Page 3, line 20, strike out the bracket and the italicized matter which follows it.

Page 3, line 21, strike out " tion of] ".

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Page 3, strike out lines 23 to 26, inclusive.
Page 4, strike out lines 1 to 20, inclusive.
Page 4, line 21, strike out " Said ".
Page 4, line 22, strike out the line.
Page 5, strike out lines 1 to 6, inclusive.
Page 5, line 7, strike out " Said sec-".
Page 5, line 8, strike out the line.
Page 5, line 17, strike out " re-numbered section ".
Page 5, line 18, strike out everything before " amended ".
Page 5, line 19, inclose the section mark with brackets and insert before the first bracket the word " Section " and strike out the existing brackets which inclose " 26 " and strike out " 23 ".
Page 6, line 1, strike out " re-numbered sec-".
Page 6, line 2, strike out everything before " amended ".
Page 6, line 3, strike out the section mark and insert " Section " and strike out the brackets and the numeral " 24 ".
Page 6, strike out lines 15 to 23, inclusive.
Page 6, line 24, strike out " re-numbered section ".
Page 6, line 25, strike out everything before " amended ".
Page 6, line 26, strike out the section mark and insert " Section " and strike out the brackets and the numeral " 26 ".
Page 7, strike out lines 15 to 27, inclusive.
Page 8, strike out lines 1 to 26, inclusive.
Page 9, strike out lines 1 to 23, inclusive.

Ordered, Reprinted and recommitted to said committee.

The Convention resolved itself into a Committee of the Whole and proceeded to the consideration of the Special Order, being the Proposed amendment entitled " Proposed constitutional amendment to amend Article II of the Constitution, relative to the qualification of voters." (No. 776, Int. No. 686).

After some time spent therein the limit of time set for the debate having arrived the President resumed the chair and Mr. Stanchfield from said committee reported progress and asked leave to sit again with an extension of one hour for debate.

Mr. President put the question on granting leave to sit again and extending the time for debate and it was determined in the affirmative.

The Convention thereupon again resolved itself into a Committee of the Whole and resumed consideration of said Special Order.

After some time spent therein the President resumed the chair

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and Mr. Stanchfield from said committee reported in favor of the passage of the said proposed amendment.

On motion of Mr. Wickersham consideration of said report was postponed until Thursday, August 26th.

The Convention resolved itself into a Committee of the Whole and resumed consideration of the Special Order being Proposed constitutional amendment to amend Section ten of Article VIII of the Constitution, by dividing it into two sections to be known respectively as Sections ten and eleven, by amending the second part thereof and by adding a new section to be known as section twelve (No. 810, Int. No. 713).

After some time spent therein the President resumed the chair and Mr. Stanchfield from said committee reported in favor of the passage of the said Proposed amendment with amendments, which report was agreed to, and said proposition ordered reprinted as amended and to a third reading.

On motion of Mr. Wickersham, the Convention took a recess until two o'clock and thirty minutes P. M.

TWO O'CLOCK AND THIRTY MINUTES P. M.

The Convention again convened and resolved itself into a Committee of the Whole and proceeded to the consideration of the Special Order being "Proposed constitutional amendment to amend Section eight of Article VII of the Constitution" (No. 779, Int. No. 710).

After some time spent therein the limit of time set for the debate having arrived the President resumed the chair and Mr. Stanchfield from said committee reported progress and asked leave to sit again with an extension of one hour in the time for debate.

Mr. President put the question on granting leave to sit again and extending the time for debate and it was determined in the affirmative.

The Convention thereupon again resolved itself into a Committee of the Whole and resumed consideration of said Special Order.

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After some time spent therein the President resumed the chair and Mr. Stanchfield from said committee reported in favor of the passage of the said proposed amendment with amendments, which report was agreed to and said proposition ordered reprinted as amended and to a third reading.

The Convention resolved itself into a Committee of the Whole and proceeded to the consideration of the Special Order being Proposed constitutional amendment to amend Article V of the Constitution by adding a new section thereto relating to public service commissions (No. 824, Int. No. 706).

After some time spent therein the hour of five o'clock and thirty minutes P. M. having arrived the Convention took a recess until eight o'clock and thirty minutes P. M.

EIGHT O'CLOCK AND THIRTY MINUTES P. M.

The Convention again convened and resolved itself into a Committee of the Whole and resumed consideration of the Special Order being "Proposed constitutional amendment to amend Article V of the Constitution by adding a new section thereto relating to Public Service Commissions." (No. 824, Int. No. 706.)

After some time spent therein the President resumed the chair and Mr. Stanchfield from the said committee reported in favor of the passage of said Proposed amendment with amendments, which report was agreed to and said proposition ordered reprinted as amended and to a third reading.

The Convention resolved itself into a Committee of the Whole and proceeded to the consideration of the Special Order being "Proposed constitutional amendment to amend Section twenty of Article III of the Constitution, in relation to the appropriation of public moneys for construction purposes." (No. 815, Int. No. 719.)

After some time spent therein the President resumed the chair and Mr. Stanchfield from said committee reported in favor of the passage of said proposed amendment, which report was agreed to and said proposition ordered to a third reading.

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Mr. Tanner offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee of the Whole be discharged from the further consideration of proposed amendment (No. 803, Int. No. 716) entitled "Proposed constitutional amendment repealing sections one, two, three, four, six and seven of article five and creating a new article five in relation to state officers."

which was agreed to.

Said Proposed amendment having been announced, on motion of Mr. Tanner the same was amended as follows:

Strike out all after the enacting clause and insert the following:

"Sections one, two, three, four, six and seven of article five are hereby repealed and a new article five created to read as follows:

Section 1. There shall be the following civil departments in the state government:

A Department of Justice
A Department of Finance
A Department of the Treasury
A Department of Taxation
A Department of Accounts
A Department of State
A Department of Public Works
A Department of Health
A Department of Agriculture
A Department of Charities and Correction
A Department of Banking
A Department of Insurance
A Department of Labor and Industry.
A Department of Education
A Department of Public Utilities
A Department of Conservation
A Department of Civil Service.

Section 2. At the session immediately following the adoption of this constitution the legislature shall provide by law for the appropriate assignment of all the civil administrative and executive functions of the state government, except those of assistants in the office of the governor, to the several departments in this article provided. Subject to the limitations contained in this article the legislature may from time to time assign by law new powers and functions to departments, officers, boards or commissions continued or created under this constitution, and increase, modify or diminish their powers and functions. No specific grant of power herein to a department shall prevent the legislature from conferring additional powers upon such department.

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No new departments shall be created hereafter. Any bureau, board, commission or office hereafter created except assistants in the office of the governor shall be placed in one of the departments enumerated in this article. The elective state officers in office at the time this constitution takes effect shall continue in office until the end of the terms for which they were elected. Pending the assignment of the civil executive and administrative functions by the legislature pursuant to the direction of this section, the powers and duties of the several departments, boards, commissions and offices now existing are continued. Subject to the power of the legislature to reduce the number of officers, when the powers and duties of any existing office are assigned to any department, the officers exercising such powers, shall continue in office in such department, and their term of office shall not be shortened by such assignment.

Section 3. The head of the department of justice shall be the attorney-general. He shall be elected at the same time and for the same term as the governor.

Section 4. The head of the department of finance shall be the comptroller. He shall be elected at the same time and for the same term as the governor. Excepting the powers of examination and verification of accounts vested in the department of accounts, he shall have the present powers and duties of the comptroller, subject to the authority of the legislature to increase, modify or diminish the same.

Section 5. The head of the department of accounts shall be the commissioner of accounts. He shall have power to examine and verify all accounts showing the financial transactions of the state and its several departments and officers.

Section 6. The head of the department of the treasury shall be the treasurer.

Section 7. The head of the department of taxation shall be the state tax commission, to consist of three members.

Section 8. The head of the department of state shall be the secretary of state.

Section 9. The head of the department of public works shall be the superintendent of public works. He shall have the construction, care, maintenance and operation of the state's public works, including canals, highways, and all public buildings not assigned by law to any other department, and shall provide for the needs of the several state departments in engineering and architecture.

Section 10. The head of the department of health shall be the commissioner of health.

Section 11. The head of the department of agriculture shall be the commissioner of agriculture.

Section 12. The head of the department of charities and corrections shall be the secretary of charities and corrections. He

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shall have power of inspection and supervision of all state charitable institutions, state hospitals for the insane, state prisons and other state correctional institutions.

Section 13. The head of the department of banking shall be the superintendent of banks.

Section 14. The head of the department of insurance shall be the superintendent of insurance.

Section 15. The head of the department of labor and industry shall be an industrial commission.

Section 16. The department of education shall be administered by the university of the state of New York. The chief administrative officer of the department shall be appointed by the regents of the university.

Section 17. There shall be two public service commissions. Commissioners shall be appointed by the governor by and with the advice and consent of the senate. The governor may remove any commissioner for cause after service upon him of a written statement of the alleged cause and an opportunity to be heard thereon. Until the legislature shall otherwise provide, the existing commissions are continued with the jurisdiction and powers at present vested in them.

Section 18. The department of conservation shall be under the direction of the conservation commission.

Section 19. The department of civil service shall be under the direction of a civil service commission consisting of three commissioners. They shall be appointed by the governor, by and with the advice and consent of the senate, for terms of six years, and shall be so classified that one shall go out of office at the end of every two years. Any commissioner may be removed by the governor on charges after an opportunity to be heard. The commission shall take care that the provisions of this constitution relating to civil service and of laws enacted thereunder are faithfully observed and enforced.

Section 20. The heads of all the departments and the members of all commissions unless otherwise provided for in this constitution shall be appointed by the governor by and with the advice and consent of the senate and may be removed by the governor in his discretion.

Section 21. The attorney-general and comptroller may be removed from office by impeachment in the same manner as the governor or they may be removed by the senate by vote of two-thirds of all the members elected thereto, upon the recommendation of the governor, stating the grounds therefor. A vacancy in the office of attorney-general or of comptroller shall be filled for the remainder of the term at the next general election happening not less than three months after such vacancy occurs. Until the

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vacancy be so filled by election, the governor, or if the senate be in session, the governor by and with the advice and consent of the senate, may fill such vacancy by appointment which shall continue until the first day of the political year next succeeding the election at which such office may be filled.

Section 22. All appointed heads of departments shall be subject to impeachment in the same manner as the governor. A vacancy occurring in a board or commission appointed by and with the advice and consent of the senate for a fixed term shall be filled for the unexpired term in the same manner as an original appointment, except that a vacancy occurring or existing while the senate is not in session shall be filled by the governor by appointment for a term expiring at the end of twenty days from the commencement of the next meeting of the senate."

Ordered, Reprinted and recommitted to said committee.

Mr. J. L. O'Brian, from the Committee on Rules, presented the following report:

The Committee on Rules recommends the adoption of the following special rule:

Resolved, That the following proposed constitutional amendments be made special orders for consideration in the order named immediately upon completion of the present calendar of special orders; namely:

General Order 45 (Highways).
General Order 57 (Future Amendments).
General Order 58 (Fixing time when Constitution takes effect).
General Order 59 (Governor and State Officers).

Mr. Wiggins moved to amend by making General Order No. 59 a Special Order for Monday night, August 30th.

Mr. President put the question whether the Convention would agree to said motion and it was determined in the affirmative.

Mr. President put the question whether the Convention would agree to said report and resolution as amended and it was determined in the affirmative.

Mr. Rodenbeck from the Committee on Revision and Engrossment to which was referred the Proposed constitutional amendment, introduced by the Committee on Judiciary (No. 828, Int. No. 718) entitled "Proposed constitutional amendment to amend Article VI of the Constitution generally," reports the same as examined, found correct and properly engrossed.

ADOLPH J. RODENBECK,
Chairman.

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which report was accepted and said Proposed amendment ordered placed on the third reading calendar.

Mr. Rodenbeck from the Committee on Revision and Engrossment to which was referred the Proposed constitutional amendment, introduced by Mr. Dow for the Committee on Conservation of Natural Resources (No. 825, Int. No. 708) entitled "Proposed constitutional amendment to insert in the Constitution a new article in relation to the conservation of natural resources," also the Proposed constitutional amendment, introduced by Mr. Steinbrink (No. 827, Int. No. 371), entitled "Proposed constitutional amendment to amend Section eleven of Article VIII of the Constitution, in relation to the duties and powers of the state commission in lunacy," reports the same as examined, found correct and properly engrossed.

ADOLPH J. RODENBECK,
Chairman.

which report was accepted and said Proposed amendments ordered placed on the third reading calendar.

Mr. Low offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Revision and Engrossment be discharged from further consideration of Proposed amendment (No. 823, Int. No. 712) entitled "Proposed constitutional amendment to amend Article XII of the Constitution generally, in relation to cities and villages and their powers of self-government,"

which was agreed to.

Said Proposed amendment having been announced on motion of Mr. Low the same was amended as follows:

Page 5, line 21, after the word "latest" insert the word "state".

Page 6, line 19, after the word "affecting" insert in italics "cities in relation to water supply, sewerage and public improvements, involving the use of territory outside the boundaries of cities and".

Ordered, Reprinted and recommitted to said committee.

On motion of Mr. Wickersham, the Convention adjourned.

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THURSDAY, AUGUST 26, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. J. Addison Jones.

On motion of Mr. Wickersham the journal of Tuesday, August 24th, was approved.

The President presented the communication of the Conference of Mayors, which was referred to the Committee on Cities.

Also the resolutions of the common council of the city of Rochester, which were referred to the Committee on Canals.

Also the communication of William McAdoo, which was referred to the Committee on the Judiciary.

By unanimous consent, Mr. M. Saxe called up proposed amendment entitled "Proposed constitutional amendment to amend the constitution, by inserting a new article, in relation to taxation" (No. 812, Int. No. 679), now on the order of third reading.

Said proposed amendment having been announced, Mr. M. Saxe moved that said bill be recommitted to the Committee on Taxation with instructions to report the same forthwith amended as follows:

On page 2, line 7, strike out the words "any other article" and substitute therefor the words "section two of article ten".

Mr. President put the question whether the Convention would agree to said motion and it was determined in the affirmative.

Mr. M. Saxe, from the Committee on Taxation, reported said bill amended as directed and the same was ordered reprinted and placed on the order of third reading.

Mr. Schurman offered for the consideration of the Convention a resolution in the words following:

Resolved, That beginning with Friday, the 27th inst., the morning sessions of this Convention shall open at nine-thirty A. M., and that the evening sessions shall close at eleven P. M.

Which was referred to the Committee on Rules.

Mr. C. H. Young called up the report of the Committee of the Whole on General Order No. 27, consideration of which was set down for this day.

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Mr. President put the question whether the Convention would agree to the report of the Committee of the Whole on said General Order No. 27, and it was determined in the negative.

Those who voted in the affirmative were:

Aiken	Coles	Hinman	Olcott	Vanderlyn
Angell	Deyo	Johnson	Ostrander	Van Ness
Austin	Dick	Jones	Owen	Wadsworth
Barnes	Dow	Kirby	Parker	Waterman
Barrett	Dunmore	Landreth	Pelletreau	Weed
Baumes	Dykman	Law	Phillips S K	Westwood
Beach	Eggleston	Leggett	Rosch	White C J
Bell	Fancher	Lennox	Ryder	Wickersham
Berri	Ford	Lincoln	Sanders	Wiggins
Betts	Franchot	McKinney	Smith E N	Williams
Bockes	Greff	Meigs	Standart	Winslow
Brackett	Griffin	Nixon	Steinbrink	Young C H
Bunce	Hale	Nye	Stowell	Young F L
Clearwater	Heaton			67

Those who voted in the negative were:

Adams	Donovan	McKean	Phillips J S	Shipman
Allen F C	Dooling	Mandeville	Potter	Slevin
Baldwin	Doughty	Mann	Quigg	Smith A E
Bannister	Eisner	Marshall	Reeves	Smith R B
Bayes	Endres	Martin L M	Rhees	Stanchfield
Blauvelt	Eppig	Mathewson	Rodenbeck	Tanner
Brenner	Fobes	Mealy	Ryan	Tuck
Burkan	Foley	Mereness	Sargent	Unger
Buxbaum	Green	Mulry	Saxe J G	Wafer
Byrne	Haffen	Nicoll C	Saxe M	Wagner
Clinton	Harawitz	Nicoll D	Schoonhut	Ward
Cobb	Latson	O'Brian J L	Schurman	Webber C A
Cullinan	Leary	O'Brien M J	Sears	Weber R E
Dahm	Linde	Parmenter	Sharpe	Wheeler
Dennis	Lindsay	Parsons	Sheehan	President
Donnelly	Low			77

When Mr. Tierney's name was called he stated that he was paired with Mr. Bernstein and asked to be and was excused from voting.

On motion of Mr. A. E. Smith, and by unanimous consent, the fact that Mr. Ahearn was unavoidably absent and would if present vote against agreeing to the report of the committee was ordered spread upon the journal.

Mr. J. S. Phillips moved to reconsider the vote by which the resolution reported by the Committee on Rules August 25th as amended, was adopted.

Mr. President put the question whether the Convention would agree to said motion and it was determined in the affirmative.

Mr. J. S. Phillips moved to reconsider the vote by which Mr. Wiggins' amendment to said resolution was adopted.

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Mr. President put the question whether the Convention would agree to said motion and it was determined in the affirmative.

Said amendment being before the Convention, Mr. President put the question whether the Convention would agree to said amendment and it was determined in the negative.

Mr. President then put the question whether the Convention would agree to said report and resolution and it was determined in the affirmative.

The Convention resolved itself into a Committee of the Whole and proceeded to the consideration of the Special Order being "Proposed constitutional amendment to amend Section six of Article III of the Constitution, in relation to the compensation and expenses of members of the Legislature" (No. 741, Int. No. 697).

After some time spent therein, the hour of one o'clock P. M. having arrived, the Convention took a recess until two o'clock and thirty minutes P. M.

TWO O'CLOCK AND THIRTY MINUTES P. M.

The Convention again convened and resolved itself into a Committee of the Whole and resumed consideration of the Special Order, being "Proposed constitutional amendment to amend Section six of Article III of the Constitution in relation to the compensation and expenses of members of the Legislature" (No. 741, Int. No. 697).

After some time spent therein the President resumed the chair, and Mr. Bockes from said committee reported in favor of the passage of said Proposed amendment with amendments, which report was agreed to and said proposition ordered reprinted as amended and restored to the order of third reading.

The Convention resolved itself into a Committee of the Whole and proceeded to the consideration of the Special Order being "Proposed constitutional amendment to amend Article VII by adding a new section relating to highways" (No. 826, Int. No. 31).

After some time spent therein the President resumed the chair, and Mr. Lincoln from said committee reported progress and asked leave to sit again.

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Mr. President put the question on granting leave to sit again and it was determined in the affirmative.

Mr. Brackett, from the Committee on Legislative Organization, etc., to which was referred various proposed amendments, introduced by several members of the Convention reported by Proposed amendment entitled: "Proposed constitutional amendment to amend Sections one, two, three, four, five, seven, eight, and nine of Article III of the Constitution, and to transfer Section six of Article X into Article III" (Int. No. 722), which was read twice and said committee reported in favor of the passage of the same, which report was agreed to and said proposed amendment ordered printed and referred to the Committee of the Whole.

The hour of five o'clock and thirty minutes P. M. having arrived the President declared the Convention in recess until eight o'clock and thirty minutes P. M.

EIGHT O'CLOCK AND THIRTY MINUTES P. M.

The Convention again convened.

Mr. Rodenbeck, from the Committee on Revision and Engrossment, to which was referred the Proposed constitutional amendment, introduced by the Committee on Cities (No. 829, Int. No. 713), entitled "Proposed constitutional amendment to amend Section ten of Article VIII of the Constitution, by dividing it into two sections to be known respectively as Sections ten and eleven, by amending the second part thereof, and by adding a new section to be known as Section twelve."

Also, the Proposed constitutional amendment, introduced by the Committee on Cities (No. 839, Int. No. 712), entitled "Proposed constitutional amendment to amend Article XII of the Constitution generally, in relation to cities and villages and their powers of self government."

Also, the Proposed constitutional amendment, introduced by the Committee on Public Utilities (No. 832, Int. No. 706), entitled "Proposed constitutional amendment to amend Article V of the Constitution by adding a new section thereto relating to public service commissions."

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Also, the Proposed constitutional amendment introduced by the Committee on State Finances (No. 815, Int. No. 719), entitled "Proposed constitutional amendment to amend Section twenty of Article III of the Constitution, in relation to the appropriation of public moneys for construction purposes."

Also, the Proposed constitutional amendment, introduced by the Committee on Taxation (No. 834, Int. No. 679), entitled "Proposed constitutional amendment to amend the Constitution, by inserting a new article, in relation to taxation."

Reports the same as examined, found correct and properly engrossed.

ADOLPH J. RODENBECK,
Chairman.

which report was accepted and said Proposed amendments ordered placed on the third reading calendar.

The Convention resolved itself into a Committee of the Whole and resumed consideration of the Special Order being Proposed constitutional amendment to amend Article VII by adding a new section relating to highways. (No. 826, Int. No. 31).

After some time spent therein the President resumed the chair, and Mr. Lincoln from said committee reported progress and asked leave to sit again.

Mr. President put the question on granting leave to sit again and it was determined in the affirmative.

Mr. J. L. O'Brian from the Committee on Rules presented the following report:

The Committee on Rules recommends the adoption of the following rule:

Resolved, That the final vote on General Order No. 45 be taken at not later than nine-thirty o'clock and all speakers be limited to five minutes each.

Resolved, That on consideration of General Order No. 57 (Future amendments), fifty minutes be allotted to the chairman of the Committee on Future Amendments and the introducer of the measure, each other speaker to be limited to ten minutes.

Mr. President put the question on whether the Convention would agree to said report and resolution and it was determined in the affirmative.

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The Convention again resolved itself into a Committee of the Whole and resumed consideration of said Special Order.

After some time spent therein the President resumed the chair, and Mr. Lincoln from said committee reported in favor of the passage of the said Proposed amendment with amendments, which report was agreed to and said proposition ordered reprinted as amended and to a third reading.

The Convention resolved itself into a Committee of the Whole and proceeded to the consideration of the Special Order being Proposed constitutional amendment to amend Article XIV of the Constitution, in relation to future amendments and revisions of the Constitution, and permitting the validity of an election on a question submitted and the determination of the result of such an election to be contested by any elector in an action brought in the supreme court and by making provision with respect to questions coincidently submitted. (No. 795, Int. No. 715.)

After some time spent therein the President resumed the chair, and Mr. Lincoln from said committee reported progress and asked leave to sit again.

Mr. President put the question on granting leave to sit again and it was determined in the affirmative.

Mr. Curran was excused from the sessions of to-day.

Mr. Buxbaum was excused from the sessions of August 27th.

Mr. Eisner was excused from the morning session of August 27th.

Mr. Unger was excused from the sessions of August 28th.

Mr. Vanderlyn was excused from the sessions of August 28th and 30th.

The hour of ten o'clock and thirty minutes P. M. having arrived the President declared the Convention adjourned.

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FRIDAY, AUGUST 27, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. J. Addison Jones.

On motion of Mr. Wickersham, the journal of Wednesday, August 25th, was approved.

Upon the direction of the President the Secretary called the roll of delegates and the following responded:

Adams	Dick	Latson	Pelletreau	Steinbrink
Aiken	Donnelly	Law	Phillips S K	Stimson
Allen F C	Donovan	Leary	Potter	Stowell
Angell	Doughty	Leggett	Quigg	Tanner
Austin	Dow	Lennox	Reeves	Tierney
Baldwin	Dunlap	Lincoln	Rhees	Tuck
Bannister	Dunmore	Linde	Rodenbeck	Unger
Barnes	Dykman	Lindsay	Rosch	Vanderlyn
Barrett	Eggleston	Low	Ryan	Van Ness
Baumes	Endres	McKinney	Ryder	Wadsworth
Bayes	Eppig	Mandeville	Sanders	Wafer
Beach	Fancher	Martin F	Sargent	Wagner
Bell	Fobes	Martin L M	Saxe J G	Ward
Berri	Foley	Marshall	Saxe M	Webber C A
Blauvelt	Franchot	Mathewson	Schoonhut	Weber R E
Bockes	Gladding	Meigs	Schurman	Weed
Brenner	Green	Mereness	Sears	Westwood
Burkan	Greff	Nicoll C	Sharpe	Whipple
Byrne	Haffen	Nicoll D	Shipman	White C J
Clearwater	Hale	Nixon	Slevin	Wickersham
Clinton	Harawitz	Nye	Smith A E	Wiggins
Cobb	Heaton	O'Brian J L	Smith E N	Williams
Coles	Hinman	Olcott	Smith R B	Winslow
Cullinan	Johnson	Ostrander	Smith T F	Young C H
Dahm	Jones	Owen	Stanchfield	Young F L
Dennis	Kirby	Parmenter	Standart	President
Deyo	Landreth	Parsons		

Mr. Clinton offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Revision and Engrossment be discharged from the further consideration of proposed amendment (No. 779, Int. No. 710) entitled "Proposed constitutional amendment to amend Section eight of Article VII of the Constitution."

which was agreed to.

Said proposition having been announced, Mr. Clinton moved that said amendment be recommitted to the Committee on Canals with instructions to report the same forthwith amended as follows:

Page 2, line 27, after the word "sold" add the following: "such general laws may provide for the abandonment of portions

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of the existing canals which by reason of the completion of parts of the Barge canal shall have become unnecessary for purposes of navigation and shall be certified by the Superintendent of Public Works, to have become so."

Page 1, line 9, immediately before the bracket insert in italics "When necessary in the opinion of the Superintendent of Public Works, easements in canal lands may be granted for purposes of bridge construction, provided that such easements shall not interfere with or impair the use of the canals."

Page 3, line 6, before the word "waters" strike out the word "the", and from the same line the word "under", and substitute "thereunder".

Page 3, line 7, strike out the words "any such lease".

Mr. President put the question whether the Convention would agree to said motion, and it was determined in the affirmative.

Mr. Clinton, from the Committee on Canals, reported said amendment amended as directed, and the same was ordered reprinted and placed on the order of third reading.

Mr. J. L. O'Brian, from the Committee on Rules, presented the following report:

The Committee on Rules recommends the adoption of the following:

Resolved, That when the Committee of the Whole resume consideration of General Order No. 57 the final vote thereon be taken within one hour, and that speeches of individual members be limited to ten minutes each, except that the introducer of the bill be allowed twenty-five minutes in closing debate.

Mr. President put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative.

The Convention resolved itself into a Committee of the Whole and proceeded to the consideration of the special order, being "Proposed constitutional amendment to amend Article XIV of the Constitution, in relation to future amendments and revisions of the Constitution, and permitting the validity of an election on a question submitted and the determination of the result of such an election to be contested by any elector in an action brought in the Supreme Court and by making provisions with respect to questions coincidently submitted." (No. 795, Int. No. 715.)

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After some time spent therein, the limit of time for debate having arrived, the President resumed the chair, and Mr. Lincoln, from said committee, reported progress and asked leave to sit again with an extension of time for debate of one hour.

Mr. President put the question on granting leave to sit again and extending the time for debate, and it was determined in the affirmative.

The Convention again resolved itself into a Committee of the Whole and resumed consideration of said special order.

After some time spent therein, the President resumed the chair, and Mr. Lincoln, from said committee, reported in favor of the passage of said proposed amendment with amendments, which report was agreed to, and said proposition ordered reprinted as amended and to a third reading.

The Convention resolved itself into a Committee of the Whole and proceeded to the consideration of the special order, being "Proposed constitutional amendment to amend Article XV of the Constitution with respect to the time when the Constitution is to go into effect." (No. 145, Int. No. 145.)

After some time spent therein, the President resumed the chair, and Mr. Lincoln, from said committee, reported in favor of the passage of the said proposed amendment, which report was agreed to, and said proposition ordered to a third reading.

On motion of Mr. Wickersham, the Convention took a recess until 2 o'clock P. M.

TWO O'CLOCK P. M.

The Convention again convened.

Mr. Rodenbeck, from the Committee on Revision and Engrossment, to which was referred the "Proposed constitutional amendment, to amend Section 6 of Article III of the Constitution, in relation to the compensation and expenses of members of the legislature."

Also, the Proposed constitutional amendment, introduced by Mr. Blauvelt (No. 837, Int. No. 31), entitled "Proposed consti-

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tutional amendment to amend article seven by adding a new section relating to highways," reports the same as examined, found correct and properly engrossed.

ADOLPH J. RODENBECK,
Chairman.

which report was accepted, and said Proposed amendments ordered placed on the third reading calendar.

Upon the direction of the President, the Secretary called the roll of delegates, and the following responded:

Adams	Dahm	Jones	Ostrander	Smith E N
Aiken	Dennis	Kirby	Owen	Smith R B
Allen F C	Deyo	Landreth	Parker	Smith T F
Angell	Dick	Latson	Parmenter	Stanchfield
Austin	Donnelly	Leary	Parsons	Standart
Baldwin	Donovan	Leggett	Pelletreau	Steinbrink
Bannister	Doughty	Lennox	Phillips S K	Stimson
Barrett	Dow	Lincoln	Potter	Stowell
Baumes	Dunlap	Linde	Quigg	Tanner
Bayes	Dunmore	Lindsay	Reeves	Tierney
Beach	Dykman	Low	Rhees	Tuck
Bell	Eisner	McKinney	Rodenbeck	Unger
Berri	Eppig	Mandeville	Rosch	Van Ness
Betts	Fancher	Mann	Ryan	Wagner
Blauvelt	Fobes	Martin F	Ryder	Ward
Bockes	Foley	Martin L M	Sanders	Waterman
Brackett	Franchot	Marshall	Sargent	Weed
Brenner	Green	Mathewson	Saxe M	Westwood
Burkan	Greff	Meigs	Schurman	White C J
Byrne	Griffin	Nicoll C	Sears	Wickersham
Clinton	Haffen	Nicoll D	Sharpe	Wiggins
Cobb	Hale	Nixon	Shipman	Wood
Coles	Heaton	Nye	Slevin	Young C H
Cullinan	Johnson	O'Brian J L	Smith A E	President
Curran				

The Convention resolved itself into a Committee of the Whole, and proceeded to the consideration of the Special Order, being "Proposed constitutional amendment repealing Sections 1, 2, 3, 4, 6 and 7 of Article V, and creating a new Article V in relation to State Officers" (No. 831, Int. No. 716).

After some time spent therein, the hour of 5:30 o'clock P. M. having arrived, the Convention took a recess until 8:30 o'clock P. M.

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EIGHT O'CLOCK AND THIRTY MINUTES P. M.

The Convention again convened and resolved itself into a Committee of the Whole, and resumed consideration of the Special Order, being "Proposed constitutional amendment, repealing Sections 1, 2, 3, 4, 6 and 7 of Article V, and creating a new Article V in relation to state officers" (No. 831, Int. No. 716).

After some time spent therein, the President resumed the chair, and Mr. M. Saxe, from said committee, reported progress and asked leave to sit again.

Mr. President put the question on granting leave to sit again, and it was determined in the affirmative.

Mr. Curran was excused on acount of illness.

The hour of 10:30 o'clock P. M. having arrived, the President declared the Convention adjourned.

SATURDAY, AUGUST 28, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. J. Addison Jones.

On motion of Mr. Wickersham, the journal of Thursday, August 26th, was approved.

The President presented the memorial of several churches of the city of Chicago, which was referred to the Committee on Education.

Mr. Heaton presented the resolutions of the sportsmen's association of Rensselaer county, which were referred to the Committee on Conservation.

Mr. Green presented the petition of residents of the Thirty-ninth Senatorial District, which was referred to the Committee on Civil Service.

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Upon the direction of the President, the Secretary called the roll of delegates and the following responded:

Adams	Cullinan	Kirby	Olcott	Smith E N
Aiken	Dahm	Landreth	Ostrander	Smith T F
Allen F C	Dennis	Latson	Parker	Stanchfield
Angell	Deyo	Law	Parmenter	Standart
Austin	Dick	Leggett	Parsons	Steinbrink
Baldwin	Donnelly	Lennox	Pelletreau	Stimson
Bannister	Donovan	Lincoln	Phillips J S	Stowell
Barnes	Doughty	Linde	Phillips S K	Tanner
Barrett	Dow	Lindsay	Potter	Tuck
Baumes	Dunmore	Low	Quigg	Van Ness
Bayes	Dykman	Mandeville	Reeves	Wadsworth
Beach	Eisner	Mann	Rhees	Wagner
Bell	Eppig	Martin F	Rodenbeck	Ward
Berri	Fancher	Martin L M	Rosch	Waterman
Blauvelt	Fobes	Marshall	Ryan	Webber C A
Bockes	Foley	Mathewson	Ryder	Weed
Brackett	Franchot	Mealey	Sanders	Westwood
Brenner	Green	Meigs	Sargent	Whipple
Bunce	Greff	Mereness	Saxe M	White C J
Burkan	Griffin	Nicoll C	Schurman	Wickersham
Buxbaum	Haffen	Nicoll D	Sears	Wiggins
Byrne	Hale	Nixon	Sharpe	Young C H
Clinton	Heaton	Nye	Shipman	Young F L
Cobb	Johnson	O'Brian J L	Slevin	President
Coles	Jones	O'Brien M J	Smith A E	

Mr. M. J. O'Brien, from the Constitutional Convention Commission, presented the following report:

FINAL REPORT OF NEW YORK STATE CONSTITUTIONAL CONVENTION COMMISSION

August 25, 1915

To the Delegates of the Constitutional Convention of the State of New York:

GENTLEMEN.— The Constitutional Convention Commission appointed pursuant to an act of the Legislature (Laws of 1914, chapter 261) to collect, compile and print information and data for the Constitutional Convention of 1915, herewith respectfully submits its final report.

The first work of the Commission was devoted to determining the character of the information which would be most useful to the Delegates and which could be obtained within the amount appropriated for the expenses of the Commission.

In its report to the Convention under date of May 19th, 1915 (Document No. 6), the Commission set forth fully the ten publications which it planned to supply to the Delegates, and it is a source of satisfaction to the Commission that it is now able to report that all these publications have been completed and distributed to the Delegates together with an additional report on

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"The Relation of the State to the City School System" which is included in the publication "City and County Government"—"Special Topics".

Of all these publications one thousand copies were printed, except Publication No. 6 which is a complete text of the New York State Constitution, as amended to January 1, 1915, containing ample margins, wide spaces between the lines and alternate blank pages of which publication only five hundred copies were printed. After supplying the Delegates and those applying, who it was thought were entitled to copies, including one hundred and twenty copies of Publication No. 8 furnished the Westchester County Research Bureau, and two hundred and fifty copies of Publication No. 3 furnished the Legislative Drafting Research Fund of Columbia University, which bodies so ably assisted the Commission in the work of those publications, there are now left about six hundred and fifty copies of most of the publications. The Commission now suggests, subject to the approval of this Convention, that the remaining copies be distributed in the following manner: First, to all Law Libraries and Public Libraries of the cities of the State; second, to all the leading Universities of the country and, third, the remaining copies, if any, to the State Public Libraries throughout the United States. In this way, the valuable information contained in these publications will be preserved for all time and will always be readily accessible.

The amount originally appropriated for the use of the Commission was ten thousand dollars to which amount five thousand dollars was added by subsequent legislation, together with ten thousand dollars granted by resolution of this Convention, making a total of twenty-five thousand dollars at the disposal of the Commission for the expenses of its publications.

Annexed hereto is a financial statement showing the manner in which the above mentioned amount has been expended. From this statement it will appear that the Commission has kept well within the total amount appropriated and has at present a balance remaining on hand. This statement is respectfully submitted to this Convention for its approval, and the Commission also requests that the Convention authorize the distribution of the remaining copies of the publications in the manner heretofore mentioned.

The Commission takes this occasion to acknowledge its indebtedness to all the individuals, public officers and bodies who have so generously co-operated in furnishing the data and information for the various publications and, in addition to the acknowledgments made by the Commission, to publicly express its appreciation of all this invaluable assistance.

The Commission, therefore, respectfully requests that the Convention adopt the resolution submitted herewith, thanking those

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who have contributed to the publications which have been prepared and supplied to the Delegates of this Convention and which we trust have been of service.

Respectfully submitted,

MORGAN J. O'BRIEN,
Chairman.
ROBERT F. WAGNER,
EDWARD SCHOENECK,
THADDEUS C. SWEET,
SAMSON LACHMAN,
JOHN H. FINLEY.

NEW YORK STATE CONSTITUTIONAL CONVENTION COMMISSION.
FINANCIAL STATEMENT, AUGUST, 1915

Expenditures made from the sum of $15,000 appropriated by Laws 1914, chapters 261 and 530, and by Laws 1915, chapters 201, for material relating to the State in general.

Publication No. 1	
Lincoln's Constitutional History, 181 sets at $9.50 per set	$1,717 50
Publication No. 2	
New York State Constitution Annotated Parts I and II	
Printing 1,000 copies	1,051 50
Printing 250 extra copies of Part II	62 50
Binding 250 extra copies of Part II in paper covers	5 00
Wrapping and mailing Part II	15 00
Binding 1,000 copies, Part I and II, together in black imitation flexible leather	300 00
Publication No. 3	
Subject Index Digest of State Constitutions	
Legislative Drafting Research Fund	1,000 00
Printing 1,000 copies	3,295 50
Binding 1,000 copies in imitation flexible leather	300 00
30 sets of galley proof	120 00
Publication No. 4	
Government of the State of New York	
Binding 300 copies in imitation flexible leather	51 00
Printing and binding 700 additional copies	700 00

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Publication No. 5	
Revision of the State Constitution	
Academy of Political Science	$1,000 00
Binding 150 copies, Parts I and II together in paper covers	22 50
Binding 850 copies, Parts I and II separately in flexible leather	510 00
Boxing 300 sets of Publications Nos. 4 and 5 and delivering 170 sets	64 00
Publication No. 6	
Interleaved State Constitution	
Printing 500 copies, binding 200 copies in flexible leather and 150 copies in paper	600 00
Publication No. 9	
Constitution and Government of the State of New York — An Appraisal	
Bureau of Municipal Research	733 85
Printing title page, letter of transmittal and binding 100 copies in flexible leather	308 84
Proportionate share of secretary's salary	720 00
Expended under secretary's direction for preparation of copy for Publications Nos 2 and 6, proof-reading, etc., stenographic and typewriting work, clerical work in connection with secretary's office, and stamps	1,317 34
J. B. Lyon Co. for printing stationery, circular letters, etc	85 77
Thorpe's Constitutions, etc., 5 sets	10 50
Newspaper clippings	15 00
Dougherty's Constitutional History, 10 copies	25 00
Secretary's future expenses (estimated)	50 00
Future transportation charges for delivering publications (estimated)	400 00
Total	$14,482 80

NEW YORK STATE CONSTITUTIONAL CONVENTION COMMISSION.

Expenditures made from the sum of $10,000 appropriated by Laws 1915, chapter 624, for material relating to city and county government.

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Publication No. 7	
Government of the City of New York	
Academy of Political Science	$750 00
Binding 1,000 copies	300 00
Publication No. 8	
County Government of New York	
Printing 1,000 copies	2,359 43
Binding 1,000 copies in flexible leather	300 00
Publication No. 10	
City and County Government	
1. Monroe County	
Printing 1,200 copies	156 14
Binding 200 copies in paper	2 00
2. City of Rochester	
Printing 1,200 copies	278 55
Binding 200 copies in paper	2 00
3. Nassau County	
Printing 1,200 copies	263 30
Binding 200 copies in paper	2 00
4. Relation of State to City School System	
Printing 1,200 copies	212 51
Binding 200 copies in paper	2 00
Binding 1,000 copies of above 4 pamphlets in flexible leather and printing title page	303 56
Proof reading on city and county publications	29 25
Proportionate share of secretary's salary	480 00
J. B. Lyon Co., boxing and handling 1,000 copies of Government of City of New York	60 00
Bureau of Municipal Research	
Cost of services in connection with the preparation of the report on the Organization and Functions of the Government of the City of New York	2,111 11
Cost of services in connection with the preparation of the report on the Revenues and Expenditures of the Government of the City of New York for the five years, 1910-1914	1,363 77
Total	$8,975 62

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Mr. M. J. O'Brien offered for the consideration of the Convention a resolution, in the words following:

Resolved, That this Convention approve, subject to audit by the Committee on Contingent Expenses, the amounts expended by the Constitutional Convention Commission as set forth in its report, dated August, 1915; and be it further

Resolved, That this Convention hereby approves of the proposed distribution of the remaining copies of the publications issued by the said Commission in accordance with the plan outlined in the Commission's report; and be it further

Resolved, That this Convention hereby acknowledges its grateful appreciation for the valuable aid it has received from all those who have so generously co-operated with the Commission in the preparation of the publications which have been of value to this Convention in the preparation of a new Constitution.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. Wickersham offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the thanks of this Convention are hereby extended to the members of the Constitutional Convention Commission for their very efficient services in the preparation of the valuable publications prepared under its directions for the use of the members of this Convention.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

By unanimous consent, Mr. A. E. Smith introduced the following proposal: "Proposed constitutional amendment to amend Section nine of Article V of the Constitution, in relation to eligibility for civil service examination" (Int. No. 723), which was read twice, ordered printed and referred to the Committee on Civil Service.

Mr. Burkan presented the following minority report on proposed amendment No. 836 (Int. No. 722):

To the Convention:

The undersigned respectfully dissent from the report of the majority recommending the adoption, among others, in Article III,

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Section 4, of the following provisions, to wit: "No county shall have more than one-third of all the Senators, and no counties as now organized wholly contained within the limits of a single city, shall have more than one-half of all the Senators."

This proposal extends the existing limitations upon the legislative representation of but two adjoining counties to all the counties embraced within a city.

The object sought to be accomplished by this proposal is to limit the representation of the city of New York in the Senate to not more than one-half of all the Senators, however large and increasing its population, and without regard to the number of counties within its boundaries. While New York city is not definitely named in the proposal, obviously it can only apply to the city of New York as there is no other city which, within the next twenty years, is likely to come within its purview. The proposal denies to the people of the city of New York their rightful representation in the State government; it deprives them of an equality of representation in the Legislature. The practical operation of these provisions requires that every Senator in New York city shall represent a much larger population than the average of Senators from other sections of the State for they prevent the city of New York regardless of population from electing a majority of the State Legislature. Thus a minority of the electorate of the State controls the State government, dominates its policies and is enabled to enact oppressive legislation affecting even the purely local affairs of the city. The reasons advanced for the extension of the limitation are that it will prevent the city with its preponderance in population from dominating the entire State, controlling State affairs and committing sectional oppression. We are persuaded that the proposal is inspired rather by a partisan desire to continue the control of the Legislature in the hands of the political party dominant in the rural sections of the State, and to perpetuate the present oppressive control and interference in matters purely of local city concern.

It was suggested in the debate before the Convention on the proposal to strike out the present limitation of New York city representation in the Legislature, the grievance of the city against legislative dominance and interference in local concerns would be corrected by complete, full and adequate "Home Rule."

The "Home Rule" article advanced to third reading signally fails to accomplish this object. The provision of the "Home Rule" article permitting the Legislature by joint resolution to

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nullify any charter or important amendment thereto adopted by the city, throws the most important local problems of the city into the mill of State politics.

Respectfully submitted,

(Signed) A. E. SMITH,
NATHAN BURKAN.

Dated August 27, 1915.

Mr. Deyo offered for the consideration of the Convention a resolution, in the words following:

Resolved, That this Convention extend to Governor Charles S. Whitman its hearty congratulations and best wishes on this anniversary of his birth and Vice-Presidents Jacob Gould Schurman and Morgan J. O'Brien are respectfully requested to convey to him this expression of the Convention.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

On motion of Mr. Tierney, the Convention determined to remain in session until two o'clock P. M. to-day and then adjourn until Monday.

The Convention resolved itself into a Committee of the Whole and proceeded to the consideration of the special order, being "Proposed constitutional amendment repealing sections one, two, three, four, six and seven of Article V and creating a new article V in relation to State officers." (No. 831, Int. No. 716.)

After some time spent therein, the President resumed the chair, and Mr. M. Saxe from said committee reported progress and asked leave to sit again.

Mr. President put the question on granting leave to sit again, and it was determined in the affirmative.

The hour of two o'clock P. M. having arrived, the President declared the Convention adjourned.

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MONDAY, AUGUST 30, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. J. Addison Jones.

On motion of Mr. Wickersham the journal of Friday, August 27th, was approved.

Upon the direction of the President the Secretary called the roll of delegates and the following responded:

Aiken	Devo	Leggett	Pelletreau	Stowell
Angell	Dick	Lincoln	Quigg	Tanner
Austin	Donnelly	Linde	Rhees	Tierney
Bannister	Dow	Lindsay	Rosch	Tuck
Barnes	Drummond	Low	Sanders	Unger
Barrett	Dunmore	McKinney	Sargent	Van Ness
Bayes	Dykman	Mandeville	Saxe J G	Wadsworth
Beach	Eisner	Martin F	Saxe M	Wagner
Bell	Eppig	Martin L M	Schoonhut	Ward
Berri	Fobes	Marshall	Schurman	Waterman
Betts	Franchot	Meigs	Sears	Webber C A
Blauvelt	Frank	Mereness	Sheehan	Weber R E
Bockes	Green	Nicoll C	Shipman	Weed
Brackett	Greff	Nicoll D	Slevin	Westwood
Bunce	Griffin	Nixon	Smith A E	White C J
Burkan	Haffen	Nye	Smith E N	Wickersham
Byrne	Hale	O'Brian J L	Smith R B	Wiggins
Clinton	Heaton	O'Connor	Smith T F	Williams
Cobb	Jones	Olcott	Stanchfield	Wood
Coles	Kirby	Parker	Standart	Young F L
Daly	Landreth	Parmenter	Steinbrink	President
Dennis	Lateon	Parsons	Stimson	

Mr. F. Martin presented the memorial of the Tenants Union of New York which was referred to the Committee on Bill of Rights.

Mr. J. L. O'Brian, from the Committee on Rules, presented the following report:

The Committee on Rules recommends the adoption of the following special rule:

Resolved, That when the Committee of the Whole resumes consideration of General Order No. 59, all speeches after three o'clock P. M. be limited to ten minutes each; the final vote to be taken not later than ten o'clock P. M.

Mr. President put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative.

The Convention resolved itself into a Committee of the Whole and proceeded to the consideration of the special order, being

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"Proposed constitutional amendment repealing sections one, two, three, four, six and seven of Article V and creating a new Article V in relation to State Officers" (No. 831, Int. No. 716).

After some time spent therein the President resumed the chair, and Mr. M. Saxe from said committee reported progress and asked leave to sit again.

Mr. President put the question on granting leave to sit again and it was determined in the affirmative.

On motion of Mr. Wickersham the Convention took a recess until two o'clock P. M.

TWO O'CLOCK P. M.

The Convention again convened.

Upon the direction of the President the Secretary called the roll of delegates and the following responded:

Adams	Dahm	Jones	Parker	Stanchfield
Aiken	Daly	Kirby	Parmenter	Standart
Allen F C	Dennis	Landreth	Parsons	Steinbrink
Angell	Deyo	Lateon	Pelletreau	Stimson
Austin	Dick	Law	Phillips J S	Stowell
Baldwin	Donnelly	Leggett	Phillips S K	Tanner
Bannister	Doughty	Lincoln	Quigg	Tierney
Barnes	Dow	Linde	Reeves	Tuck
Barrett	Drummond	Lindsay	Rhees	Unger
Baumes	Dunlap	Low	Richards	Vanderlyn
Bayes	Dunmore	McKean	Rodenbeck	Van Ness
Beach	Dykman	McKinney	Rosch	Wadsworth
Bell	Eisner	Mandeville	Ryder	Wagner
Bernstein	Eppig	Marshall	Sanders	Ward
Berri	Fancher	Martin F	Sargent	Waterman
Betts	Fobes	Martin L M	Saxe J G	Webber C A
Blauvelt	Foley	Mathewson	Saxe M	Weed
Bockes	Ford	Mealey	Schoonhut	Westwood
Brackett	Franchot	Meigs	Schurman	Wheeler
Bunce	Frank	Mereness	Sears	White C J
Burkan	Gladding	Nicoll C	Sharpe	Wickersham
Buxbaum	Green	Nicoll D	Sheehan	Wiggins
Byrne	Greff	Nixon	Shipman	Winslow
Clearwater	Griffin	O'Brian J L	Slevin	Wood
Clinton	Haffen	O'Brien M J	Smith A E	Young C H
Cobb	Hale	O'Connor	Smith E N	Young F L
Coles	Heaton	Olcott	Smith R B	President
Curran	Hinman	Ostrander	Smith T F	

The Convention resolved itself into a Committee of the Whole and resumed the consideration of the special order, being Proposed constitutional amendment repealing sections one, two, three, four, six and seven of article five and creating a new article five in relation to State officers. (No. 831, Int. No. 716.)

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After some time spent therein the hour of five o'clock and thirty minutes P. M. having arrived the Convention took a recess until eight o'clock and thirty minutes.

EIGHT O'CLOCK AND THIRTY MINUTES P. M.

The Convention again convened and resolved itself into a Committee of the Whole and resumed consideration of said special order.

After some time spent therein the President resumed the chair and Mr. M. Saxe from said committee reported progress and asked leave to sit again with an extension of two hours in the time for debate.

Mr. President put the question on granting leave to sit again and extending the time for debate and it was determined in the affirmative.

The Convention thereupon again resolved itself into a Committee of the Whole and resumed consideration of said special order.

After some time spent therein the President resumed the chair and Mr. M. Saxe from said committee reported progress and asked leave to sit again with an extension of one hour in the time for debate.

Mr. President put the question on granting leave to sit again and extending the time for debate and it was determined in the affirmative.

Mr. Rodenbeck, from the Committee on Revision and Engrossment, to which was referred the Proposed constitutional amendment, introduced by Mr. Marshall (No. 145, Int. No. 145), entitled "Proposed constitutional amendment to amend Article XV of the Constitution with respect to the time when the Constitution is to go into effect."

Also, the Proposed constitutional amendment introduced by the Committee on Future Amendments (No. 838, Int. No. 715), entitled "Proposed constitutional amendment to amend Article XIV of the Constitution, in relation to future amendments

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and revisions of the Constitution, and permitting the validity of an election on a question submitted and the determination of the result of such an election to be contested by any elector in an action brought in the supreme court and by making provision with respect to questions coincidently submitted by a Convention and the Legislature," reports the same as examined, found correct and correctly engrossed.

ADOLPH J. RODENBECK,
Chairman.

which report was accepted and said Proposed amendments ordered placed on the third reading calendar.

Mr. Rodenbeck, from the Committee on Revision and Engrossment, to which was referred the Proposed constitutional amendment (No. 804, Int. No. 711), introduced by the Committee on Suffrage, entitled "Proposed constitutional amendment to amend section four of Article II of the Constitution, in respect to the enactment of election and registration laws," reports the same with the following recommendations:

Page two, line five, enclose with brackets the word "voters" and insert in italics after the last bracket the word "electors."

ADOLPH J. RODENBECK,
Chairman.

which report was accepted and said Proposed amendment ordered reprinted and engrossed for a third reading.

Mr. Rodenbeck, from the Committee on Revision and Engrossment, to which was referred the Proposed constitutional amendment (No. 699, Int. 290), introduced by Mr. R. B. Smith, entitled "Proposed constitutional amendment to amend section ten of Article III of the Constitution, in relation to the powers of each house of the legislature," reports the same, with the following recommendations:

Page one, line five, after "proceedings" insert a comma enclosed with brackets.

Page one, line six, after "members" insert a semicolon enclosed with brackets.

Page one, line seven, after "officers" and before the period insert a semicolon enclosed with brackets.

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Page two, line two, strike out "be" and insert in italics "become".

Page two, line three, strike out "be" and insert in italics "become".

ADOLPH J. RODENBECK,
Chairman.

which report was accepted and said Proposed amendment ordered reprinted and engrossed for a third reading.

The Convention thereupon again resolved itself into a Committee of the Whole and resumed consideration of said special order.

After some time spent therein the President resumed the Chair and Mr. M. Saxe from said committee reported in favor of the passage of said Proposed amendment with amendments, which report was agreed to and said Proposed amendment ordered reprinted as amended and to a third reading.

Mr. Griffin was excused from the sessions of Tuesday, August 31st.

Mr. Johnson was excused from this day's sessions.

On motion of Mr. Wickersham, the Convention adjourned until Tuesday, August 31st, at eleven o'clock A. M.

TUESDAY, AUGUST 31, 1915

The Convention met pursuant to adjournment, Mr. President in the Chair.

Prayer by Rev. Charles S. Hager.

On motion of Mr. Wickersham, the journal of Saturday, August 28th, was approved.

Mr. Dahm presented the petition of Spanish-American War Veterans, which was referred to the Committee on Civil Service.

The President presented the petition of the Committee of Engineers, which was referred to the Committee on Governor and Other State Officers.

Also, the resolutions of the Spanish-American War Veterans Civil Service Association, which were referred to the Committee on Civil Service.

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Mr. Olcott presented the communication of Charles Francis Cramer, which was referred to the Committee on Civil Service.

Mr. Lincoln moved to take from the table his resolution to discharge the Committee on Revision and Engrossment from further consideration of Proposed amendment entitled "Proposed constitutional amendment to amend section four of Article II of the Constitution, in respect to the enactment of election and registration Laws" (No. 804, Int. 711).

Mr. President put the question whether the Convention would agree to said motion to take from the table and it was determined in the affirmative.

Said resolution being announced debate was had.

Mr. President put the question whether the Convention would agree to said resolution and it was determined in the affirmative.

Said Proposed amendment having been announced Mr. Lincoln moved that the same be recommitted to the Committee on Suffrage with instructions to report the same forthwith amended to read as follows:

Section four of article two of the constitution is hereby amended to read as follows:

§ 4. Laws shall be made for the regulation of elections and for ascertaining[,] by proper proofs[,] the [citizens] electors who shall be entitled to the right of suffrage hereby established[,] and for [the] their annual registration [of voters], which [registration] shall be completed at least [ten] fifteen days before each general election. Such registration shall not be required for town and village elections except by express provision of law. In cities and villages having five thousand inhabitants or more, according to the last preceding state enumeration of inhabitants, [voters] electors shall be registered upon personal application only. Laws may be made providing for special registration therein on personal application before such boards or officers as the legislature shall designate, on a day or days not more than five months prior to the day of election, of such electors as shall then declare under oath that they are engaged in a regular vocation or occupation which will occasion their absence from the county during each of the regular days of registration. Such laws shall require electors so specially registered to establish, on the first regular day of registration, their continued right to vote

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in the election district for which they were registered but shall not require further personal appearance[; but voters]. Electors not residing in such cities or villages shall not be required to apply in person for registration at the first meeting of the officers having charge of the registry of [voters.] electors.

Mr. President put the question whether the Convention would agree to said motion and it was determined in the affirmative.

Mr. Cullinan from the Committee on Suffrage reported said Proposed amendment amended as directed and the same was ordered reprinted and placed on the order of third reading.

Mr. Clinton offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Revision and Engrossment be discharged from the further consideration of proposed amendment (No. 839, Int. No. 710), entitled "Proposed constitutional amendment to amend section eight of Article VII of the Constitution, in relation to the disposal of canal terminals and surplus waters of the canals and the title to State appropriations."

which was agreed to.

Said Proposed amendment having been announced, Mr. Clinton moved that the same be recommitted to the Committee on Canals with instructions to report the same forthwith amended as follows:

Lines 7 and 8, page 3, strike out the words "which shall cease to be a portion of the canal system of this state as above defined".

Line 24, page 3, strike out the word "any" and insert in place thereof the words "the Black river".

Page 3, strike out lines 19, 20, 21 and the words "of dams, reservoirs or other structures" and insert in place thereof "The leasing of surplus waters of any of the state canals or canal feeders or of any waters impounded by the construction of dams, reservoirs or other structures shall hereafter be pursuant to general laws only".

Mr. President put the question whether the Convention would agree to said motion and it was determined in the affirmative.

Mr. Clinton from the Committee on Canals reported said Proposed amendment amended as directed and the same was ordered reprinted and placed on the order of third reading.

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Mr. Low from the Committee on Cities, to which were referred Proposed constitutional amendments, Introductory No. 489, Printed No. 501, introduced by Mr. Bayes, in relation to regulation and restriction with respect to height and use of buildings; Introductory No. 669, Printed No. 686, introduced by Mr. Bannister, in relation to the height and dimensions of buildings in cities, towns and villages; Introductory No. 670, Printed No. 687, introduced by Mr. Bannister, in relation to the use and character of the occupancy of buildings in cities, towns and villages; Introductory No. 671, Printed No. 688, introduced by Mr. Bannister, in relation to authorizing cities, towns and villages to take real property dangerous to public health or safety, reported by Proposed amendment, entitled "Proposed constitutional amendment to amend Article III of the Constitution, in relation to the delegation of power to municipalities for certain purposes." Int. No. 724, which was read twice and said committee reported in favor of the passage of the same, which report was agreed to and said proposition ordered printed and referred to the Committee of the Whole.

Mr. Rodenbeck from the Committee on Revision and Engrossment to which was referred the Proposed constitutional amendment (No. 744, Int. No. 385) introduced by Mr. R. B. Smith, entitled "Proposed Constitutional amendment to amend sections six and seven of Article IV of the Constitution, in relation to succession to the office of Governor," reports the same with the following recommendations:

Page 1, line 8, strike out "be" at the end of the line and insert in italics the word "become".

Page 2, line 21, after "lieutenant-governor" insert in italics "such vacancy shall be filled for the remainder of the term at the next general election happening not less than three months after such vacancy occurs; and in any such case, until the vacancy be filled by election.

Page 2, line 23, strike out "commencement" and insert in italics "first day".

Page 2, line 24, strike out "first annual" and strike out all after "which" and insert in italics "the office of Governor shall be filled".

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Page 2, strike out line 25 and part of line twenty-six down to and including the period.

Page 2, line 22, strike out "be" at the end of the line and insert in italics the word "become".

ADOLPH J. RODENBECK,
Chairman.

which report was accepted and said Proposed amendment ordered reprinted and engrossed for a third reading.

Mr. Rhees from the Committee on Civil Service presented the following report:

REPORT OF COMMITTEE ON CIVIL SERVICE

The Committee on Civil Service to which the following Proposed constitutional amendments were referred, to wit:

Introductory No. 29, introduced by Mr. Olcott.
Introductory No. 53, introduced by Mr. Dunmore.
Introductory No. 77, introduced by Mr. Phillips.
Introductory No. 136, introduced by Mr. Unger.
Introductory No. 138, introduced by Mr. Quigg.
Introductory No. 142, introduced by Mr. Steinbrink (by request).
Introductory No. 237, introduced by Mr. Donovan.
Introductory No. 263, introduced by Mr. Heyman.
Introductory No. 281, introduced by Mr. Adams.
Introductory No. 284, introduced by Mr. Mann.
Introductory No. 351, introduced by Mr. Wood.
Introductory No. 427, introduced by Mr. C. Nicoll.
Introductory No. 508, introduced by Mr. Quigg.
Introductory No. 528, introduced by Mr. Steinbrink (by request).
Introductory No. 614, introduced by Mr. Weed.
Introductory No. 641, introduced by Mr. McKean (by request).
Introductory No. 642, introduced by Mr. McKean (by request).
Introductory No. 657, introduced by Mr. Rhees (by request).
Introductory No. 658, introduced by Mr. Rhees (by request),

report adversely upon the same.

The committee has held public hearings on the different proposals submitted and listened also to several State and municipal officials of extensive experience in the administration of the civil

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service. The committee has also received many letters and voluminous petitions both in favor of and in opposition to the various proposals referred to and has formed its conclusion after extended and careful consideration.

The proposals submitted to the committee advocate the extension of civil service preference either in appointment, or in promotion, or retention, or in all of these, to veterans of the Spanish American War, to all honorably discharged soldiers, sailors and marines of the Army and Navy of the United States who enlisted from this State, to honorably discharged members of the National Guard and Naval Militia of this State, to exempt volunteer firemen, to all employees in the classified service of ten years experience in the employment of the State; and the extension to all civil servants of the right of trial and court review before removal from the service.

The information submitted to the committee indicates that there are at present over fifteen thousand employees in the classified service of the State and in addition about fifty-three thousand in the civil divisions thereof, a total of sixty-eight thousand places in the classified civil service. We are informed that there are some twenty-five thousand Spanish War veterans resident in the State, that there are approximately two hundred thousand volunteer firemen, that there are about thirty thousand honorably discharged members of the National Guard and Naval Militia in the State. Concerning the number of soldiers, sailors and marines honorably discharged from the Army and Navy of the United States who reside in this State we have no information. These proposed preferred groups are nearly four times as many in number as there are places in the classified public service.

Against the granting of any such preference in the civil service we have received strong protests from many heads of departments in the State government and from mayors and department heads of many of the cities of the State, as well as from superintendents of State and municipal institutions. All these men have had experience in making appointments in the civil service, some of them for many years. With one voice they protest that preference for special classes works disaster to the morals, the discipline and the efficiency of the office for which they are responsible.

These facts have convinced the majority of your committee that no change should be recommended in the present form of the civil service section of the Constitution.

The dissatisfaction with the existing provisions which prevails in the minds of some advocates of a more thorough application

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of the merit system in the civil service, is due we believe to failures in administration, not to inadequacy of the constitutional mandate.

To insure a clearer recognition of the need for consistent and faithful administration of the laws enacted to enforce that mandate of the Constitution, your committee has recommended that the Civil Service Commission be made a constitutional department of government, and the recommendation has been incorporated in the amendment proposed by the Committee on Governor and other State officers.

The committee has been actuated throughout by a strong desire to reinforce the merit system in the administration of the civil service. That desire has led us after careful consideration of all proposals to report adversely to any change in the broad and comprehensive language of section nine of Article V.

Respectfully submitted,

(Signed) Rush Rhees,
Samuel K. Phillips,
Geo. W. Wickersham,
Charles M. Dow,
James L. Nixon,
Homer E. A. Dick,
Andrew P. McKean,
E. Clarence Aiken,
Francis A. Winslow.

The unanimous testimony presented to the committee by heads of State and city departments was to the effect that any further exemptions from the civil provisions of the Constitution would be detrimental to the efficiency of the civil service.

For that reason I am compelled to unite in the recommendation of the committee that no amendment should be made to section nine of Article V of the Constitution.

(Signed) Israel T. Deyo.

In my opinion the Constitution should contain provision for the continuance of the merit system, but should be free from any reference to preferences, leaving such matters entirely to legislative enactment. I am personally in favor of granting to war veterans preference in appointment only, but such preference should be extended only to those whose marks upon civil service

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examination are above a certain minimum, which minimum should be higher than the minimum required for passing the examination. In other words, if the minimum percentage requisite to admission to the civil service list is 75 per cent., any veteran who has received for example, 85 per cent. or more, shall be preferred in appointment over all others, even though such others may have received a higher standing. There is no reason why public offices should be filled by those whose attainments are mediocre and it would be far better for the State to adopt a system of pensions than to have its work poorly done by incompetent public servants. Probably it would be cheaper in the end. However, by adopting a rule which would raise the standard as above specified, so far as veterans are concerned, a method of reward would be achieved without an impairment of the civil service. This, however, should not be included in any constitutional enactment but left to the Legislature, and I therefore concur in the finding of the majority of the Committee.

(Signed) MARK EISNER.

Mr. Mann presented the following minority report:

With a great respect for the judgment of the majority of the Committee on Civil Service, and a proper regard for its opinion, the undersigned, a minority of the Committee on Civil Service, find themselves unable to agree in all respects with such majority, and present, as a minority report, the following:

I. We believe that there is no reason in logic or justice why there should not be accorded to the Spanish-American War Veterans, if not the same, certainly some of the privileges given to veterans of the Civil War. The patriotic motives of those who enlisted in the Union army in the Civil War inspired those who enlisted in the Spanish-American War. In our judgment, the efficiency of the Civil Service would be strengthened by the training which a military experience necessarily gives; and a recognition of patriotic sacrifice will go far toward providing an incentive for similar service on the part of the youth of our land, should the emergency arise.

We, therefore, urge the passage of amendment, Printed No. 630, Int. No. 614, hereto annexed.

FRANK MANN,
JOHN W. WEED,
W. T. DUNMORE.

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II. In addition to the foregoing, we submit that to make the Civil Service, in fact (as well as in theory) one of merit and fitness, no loophole should exist for political advantage or unjust preferment therein. The Legislature should have power to enact laws compelling the appointment of the candidate who procures the highest standing in competitive examinations, which power is denied to it in the case of People, etc., v. Mosher, 163 N. Y. 32. Else the Civil Service Article may be made to defeat its very purpose, which purpose is the substitution of merit for political availability, and of fitness for nepotism. So, too, provision should be made fully to protect Civil Service employees from arbitrary removal, or the political change of competitive positions to the exempt class.

III. The Civil Service of the State should, so far as practicable, be from among residents of the State. "New York for New Yorkers" is a maxim that can find its best application in the Civil Service. We know of no reason why the State or municipality should be permitted to support a horde of foreign dependents who draw salaries from the State of New York to expend such salaries in the development of other States. It is unjust and uneconomical that our already overburdened taxpayers should indirectly be compelled to contribute to the revenues of such other states. It is difficult enough, in these times of fiscal stress, to meet the exactions of our own Excelsior State extravagance. Besides, it must be patent that a Civil Service employee will be most efficient in the service of his home State, the welfare of which is a vital financial and social concern to him and his.

Therefore, We additionally recommend that (a) provisions be made permitting the Legislature to compel the appointment of the fittest candidate; (b) that safeguards be thrown about Civil Service employees to save them from unjust removal or "ripper" legislation; and (c) a preference be given to residents of this State in appointment and promotion; or should that be inexpedient, that only residents of the State be employed in its Civil Service.

ALBERT BLOGG UNGER,
EUGENE LAMB RICHARDS.

which said reports were referred to the Committee of the Whole.

Proposed amendment (No. 819, Int. No. 291), entitled "Proposed constitutional amendment to amend Article III and Section

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four of Article IV of the Constitution, in relation to voluntary sessions of the Legislature and the Assembly."
was read the third time and passed, a majority of the delegates elected to the convention voting in favor thereof.

Those who voted in the affirmative were:

Adams	Dennis	Kirby	Olcott	Smith R B
Ahearn	Deyo	Kirk	Ostrander	Stanchfield
Aiken	Dick	Landreth	Owen	Standart
Allen F C	Donnelly	Lateon	Parker	Steinbrink
Angell	Donovan	Law	Parmenter	Stimson
Austin	Doughty	Leary	Parsons	Stowell
Bannister	Dow	Leggett	Pelletreau	Tierney
Barrett	Drummond	Lincoln	Phillips J S	Tuck
Baumes	Dunlap	Linde	Phillips S K	Unger
Bayes	Dunmore	Lindsay	Potter	Vanderlyn
Beach	Dykman	Low	Quigg	Van Ness
Bell	Eisner	McKean	Reeves	Wadsworth
Bernstein	Endres	McKinney	Rhees	Wafer
Berri	Eppig	Mandeville	Richards	Ward
Betts	Fancher	Mann	Rosch	Waterman
Blauvelt	Fobes	Martin F	Ryan	Webber C A
Bockes	Fogarty	Martin L M	Ryder	Weed
Brackett	Ford	Mathewson	Sanders	Westwood
Brenner	Franchot	Meigs	Sargent	Whipple
Bunce	Frank	Mereness	Saxe M	White C J
Burkan	Gladding	Mulry	Schoonhut	Wickersham
Buxbaum	Green	Newburger	Schurman	Wiggins
Byrne	Greff	Nicoll C	Sears	Williams
Clinton	Haffen	Nicoll D	Sharpe	Winslow
Cobb	Hale	Nixon	Sheehan	Wood
Coles	Heaton	Nye	Slevin	Young C H
Cullinan	Hinman	O'Brien M J	Smith A E	Young F L
Dahm	Johnson	O'Connor	Smith E N	President
Daly	Jones			142

In the negative:

Marshall	1

Proposed amendment (No. 820, Int. No. 698), entitled "Proposed constitutional amendment to amend Section one of Article IX of the Constitution, in relation to the supervision and control by the State of the education of children," having been announced, debate was had.

Mr. Stanchfield moved to recommit said Proposed amendment to the Committee of the Whole.

Mr. President put the question whether the Convention would agree to said motion, and it was determined in the affirmative.

Proposed amendment (No. 835, Int. No. 697), entitled "Proposed constitutional amendment to amend Section six of Article

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III of the Constitution, in relation to the compensation and expenses of members of the Legislature."

having been announced,

Mr. Deyo moved to recommit said Proposed amendment to the Committee of the Whole.

Mr. President put the question whether the Convention would agree to said motion, and it was determined in the negative.

Said Proposed amendment was then read the third time and passed, a majority of the delegates elected to the Convention voting in favor thereof.

Those who voted in the affirmative were:

Adams	Daly	Kirk	Olcott	Stanchfield
Ahearn	Dennis	Landreth	Owen	Standart
Aiken	Dick	Latson	Parker	Stimson
Austin	Donnelly	Law	Parsons	Stowell
Bannister	Donovan	Leary	Phillips J S	Tierney
Barrett	Dooling	Leggett	Reeves	Tuck
Baumes	Doughty	Lennox	Richards	Unger
Bayes	Dow	Lincoln	Rodenbeck	Vanderlyn
Beach	Drummond	Linde	Rosch	Van Ness
Bell	Dykman	Lindsay	Ryan	Wafer
Bernstein	Eisner	Low	Sanders	Ward
Blauvelt	Endres	McKinney	Sargent	Waterman
Bockes	Eppig	Martin F	Saxe J G	Webber C A
Brenner	Fobes	Mathewson	Saxe M	Weed
Bunce	Fogarty	Mulry	Schoonhut	Westwood
Burkan	Franchot	Newburger	Sears	Whipple
Buxbaum	Frank	Nicoll C	Sharpe	White C J
Byrne	Gladding	Nicoll D	Sheehan	Wickersham
Clearwater	Green	Nye	Shipman	Wiggins
Clinton	Greff	O'Brian J L	Slevin	Williams
Cobb	Haffen	O'Brien M J	Smith A E	Winslow
Coles	Hinman	O'Connor	Smith R B	Young F L
Dahm				111

Those who voted in the negative were:

Allen F C	Dunlap	Kirby	Nixon	Schurman
Angell	Dunmore	McKean	Ostrander	Smith E N
Barnes	Fancher	Mandeville	Parmenter	Steinbrink
Berri	Ford	Mann	Pelletreau	Wadsworth
Betts	Hale	Martin L M	Phillips S K	Wood
Brackett	Heaton	Marshall	Quigg	Young C H
Cullinan	Johnson	Meigs	Rhees	President
Deyo	Jones	Mereness	Ryder	39

The hour of one o'clock P. M. having arrived the President declared the convention in recess until two o'clock and thirty minutes P. M.

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TWO O'CLOCK AND THIRTY MINUTES P. M.

The convention again convened.

Mr. Rodenbeck from the Committee on Revision and Engrossment to which was referred the Proposed constitutional amendment, introduced by the Committee on Governor and other State Officers (No. 831, Int. No. 716), entitled "Proposed constitutional amendment repealing sections one, two, three, four, six and seven of Article V and creating a new article five in relation to state officers," reports the same, with the following recommendations:

In section one, number and enumerate the departments consecutively omitting repetition of the words "A department of".

Renumber section two, relating to the distribution of powers among the departments, to be section three so that it will follow the descriptive matter relating to the departments in present sections three to nineteen inclusive.

Renumber present section three to be section two and include in the section, as unnumbered paragraphs, the matter now contained in sections four to nineteen inclusive.

Renumber sections twenty, twenty-one and twenty-two to be sections four, five and six, respectively.

In the paragraph relating to the public service commissions the words "there shall be" have been stricken out and the words "the department of public utilities shall consist of" have been substituted in their place to make the description of the departments uniform.

Page 6, line 4, the word "for" has been omitted.

ADOLPH J. RODENBECK,
Chairman.

Consideration of said report was laid upon the table and said proposition ordered printed to conform with the Proposed amendments for the information of the convention.

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Upon the direction of the President the secretary called the roll of delegates and the following responded:

Adams	Dahm	Kirby	O'Brien M J	Smith A E
Ahearn	Daly	Kirk	O'Connor	Smith E N
Aiken	Dennis	Landreth	Olcott	Smith R B
Allen F C	Deyo	Lateon	Ostrander	Stanchfield
Angell	Dick	Law	Owen	Standart
Austin	Donnelly	Leary	Parker	Steinbrink
Bannister	Donovan	Leggett	Parmenter	Stimson
Barnes	Dooling	Lennox	Parsons	Stowell
Barrett	Dow	Linde	Phillips J S	Tuck
Baumes	Drummond	Lindsay	Phillips S K	Unger
Bayes	Dunlap	Low	Potter	Van Ness
Beach	Dunmore	McKean	Quigg	Wadsworth
Bell	Dykman	McKinney	Reeves	Wafer
Bernstein	Endres	Mandeville	Rhees	Ward
Berri	Eppig	Mann	Richards	Waterman
Betts	Fancher	Martin F	Rodenbeck	Webber C A
Blauvelt	Fobes	Martin L M	Rosch	Weed
Bockes	Fogarty	Marshall	Ryan	Westwood
Brackett	Ford	Mathewson	Sanders	Whipple
Brenner	Franchot	Mealy	Sargent	White C J
Bunce	Frank	Meigs	Saxe J G	Wickersham
Burkan	Gladding	Mereness	Saxe M	Wiggins
Buxbaum	Haffen	Newburger	Schoonhut	Winslow
Clearwater	Hale	Nicoll C	Schurman	Wood
Clinton	Heaton	Nicoll D	Sears	Young C H
Cobb	Hinman	Nixon	Sharpe	Young F L
Coles	Johnson	Nye	Sheehan	President
Curran	Jones	O'Brian J L	Shipman	143
Doughty	Lincoln	Pelletreau	Tierney	

Proposed amendment (No. 825, Int. No. 708) entitled "Proposed constitutional amendment to insert in the Constitution a new article in relation to the conservation of natural resources."

Having been announced. Debate was had.

Mr. A. E. Smith moved that the same be recommitted to the Committee on Conservation with instructions to report the same forthwith amended as follows:

After the word "district" in line 4, insert: "No person shall be eligible to or shall continue to hold the office of commissioner, who is engaged in the business of lumbering in any forest preserve county, or who is engaged in any business in the prosecution of which hydraulic power is used, or in which water is distributed or sold under any public franchise, or who is an officer or holder of the stock or bonds of any corporation engaged in such business within the State."

Mr. President put the question whether the Convention would agree to said motion and it was determined in the affirmative.

Mr. A. E. Smith moved that the same be recommitted to the

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Committee on Conservation with instructions to report the same forthwith amended as follows:

Page 2, line 12, after the word "state" insert "and with the enforcement of the general laws of the State in respect thereof."

Mr. President put the question whether the Convention would agree to said motion and it was determined in the affirmative.

Mr. Whipple moved that the same be recommitted to the Committee on Conservation with instructions to report the same forthwith amended as follows:

Strike out all of section six.

Mr. President put the question whether the Convention would agree to said motion and it was determined in the affirmative.

Mr. Cobb moved that the same be recommitted to the Committee on Conservation with instructions to report the same forthwith amended as follows:

Page 3, strike out last sentence of section two and insert in place thereof the following:

"Nothing herein contained shall prevent the State from constructing highways within the forest preserve, but no highway shall be constructed across lands of the State excepting by unanimous consent of the conservation commission."

Mr. President put the question whether the Convention would agree to said motion and it was determined in the negative.

Mr. Dow from the Committee on Conservation reported said Proposed amendment amended as directed and the same was ordered reprinted and placed on the order of third reading.

Proposed amendment (No. 834, Int. No. 679), entitled "Proposed constitutional amendment to amend the Constitution, by inserting a new article, in relation to taxation."

Having been announced Mr. Olcott moved that said bill be recommitted to the Committee on Taxation with instructions to report the same forthwith amended as follows:

On page 2, line 23, strike out the period at the end of the line and add "operating in two or more counties none of which is within a city. But nothing herein contained shall interfere with the assessment of special franchise taxes by State authorities."

Mr. President put the question whether the Convention would agree to said motion and it was determined in the negative.

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Mr. Sharpe moved that said bill be recommitted to the Committee on Taxation with instructions to report the same forthwith amended as follows:

Amend section two, by striking out on page 2, all of line 4, following the period, and all of lines 5, 6 and 7 and the syllable "withstanding" and the period in line 8, and by striking out in line 8, the word "supervision."

And amend section three, by inserting on page 2, line 10, after the word "real" the words "and personal".

Mr. President put the question whether the Convention would agree to said motion and it was determined in the negative.

Said proposed amendment was then read the third time and passed, a majority of the delegates elected to the Convention voting in favor thereof.

Those who voted in the affirmative were:

Adams	Dahm	Heaton	Nixon	Smith E N
Ahearn	Daly	Johnson	Nye	Smith R B
Aiken	Dennis	Kirby	O'Brian J L	Standart
Allen F C	Deyo	Kirk	O'Connor	Steinbrink
Angell	Dick	Landreth	Parmenter	Stimson
Bannister	Donovan	Law	Parsons	Tierney
Barrett	Dooling	Leary	Pelletreau	Unger
Baumes	Doughty	Leggett	Phillips S K	Van Ness
Bayes	Dow	Lincoln	Quigg	Wadsworth
Bell	Drummond	Linde	Reeves	Wafer
Bernstein	Dunlap	Lindsay	Rhees	Ward
Berri	Eggleston	Low	Richards	Waterman
Betts	Eppig	McKinney	Rosch	Webber C A
Brenner	Fancher	Mandeville	Ryan	Weed
Bunce	Fogarty	Mann	Ryder	Westwood
Burkan	Franchot	Martin L M	Sanders	Whipple
Buxbaum	Frank	Marshall	Sargent	Wickersham
Clearwater	Gladding	Mathewson	Saxe M	Winslow
Clinton	Green	Mealy	Schoonhut	Young C H
Cobb	Greff	Meigs	Schurman	Young F L
Coles	Haffen	Newburger	Sears	President
Cullinan	Hale	Nicoll C	Smith A E	109

Those who voted in the negative were:

Austin	Fobes	Mereness	Potter	Stowell
Beach	Ford	Nicoll D	Saxe J G	Tuck
Bockes	Jones	Olcott	Sharpe	Vanderlyn
Dunmore	Latson	Ostrander	Sheehan	White C J
Dykman	Lennox	Parker	Shipman	Wiggins
Endres	Martin F	Phillips J S		28

Proposed amendment (No. 828, Int. No. 718), entitled "Proposed constitutional amendment to amend Article VI of the Constitution generally."

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Having been announced Mr. Wickersham moved that the same be recommitted to the Committee on the Judiciary with instructions to report the same forthwith amended as follows:

Page 7, line 9, strike out the words " to the appellate division ".

Mr. President put the question whether the Convention would agree to said motion and it was determined in the affirmative.

Mr. Wickersham moved that the same be recommitted to the Committee on the Judiciary with instructions to report the same forthwith amended as follows:

Page 20, line 21, place bracket before " a " second occurring. Line 22, place bracket after " elected ".

Insert in italics after the last bracket " the first or second judicial department ".

Mr. President put the question whether the Convention would agree to said motion and it was determined in the affirmative.

Mr. Wickersham moved that the same be recommitted to the Committee on the Judiciary with instructions to report the same forthwith amended as follows:

Page 29, line 6, strike out " such further jurisdiction ".
Page 29, line 7, strike out all of line.
Page 29, line 8, strike out the word " have ".

Mr. Donnelly moved to amend said motion by adding thereto the following:

Insert the following in line 10, after the word " dollars ": " Such court shall have likewise the equity jurisdiction now possessed by county courts but such jurisdiction shall be exercised only within the respective counties of such city by the judges elected within such counties."

Mr. President put the question whether the Convention would agree to said motion to amend and it was determined in the affirmative.

Mr. President then put the question whether the Convention would agree to said motion as amended and it was determined in the affirmative.

Mr. J. G. Saxe moved that the same be recommitted to the Committee on the Judiciary with instructions to report the same forthwith amended as follows:

Page 29, line 10, strike out the word " five " and insert the word " three ".

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Mr. President put the question whether the Convention would agree to said motion and it was determined in the affirmative.

Mr. Dahm moved that the same be recommitted to the Committee on the Judiciary with instructions to report the same forthwith amended as follows:

Section eight, page 12, by adding after the word "standing", in line 11, the following: "who are not related to any of the justices of such department".

Mr. President put the question whether the Convention would agree to said motion and it was determined in the negative.

Mr. Schurman moved that the same be recommitted to the Committee on the Judiciary with instructions to report the same forthwith amended as follows:

With section eight, amended by striking out all after the period in line 15, on page 12, down to and including the period in line 7 on page 13.

And by striking out also the words "and official referees" in line 8, on page 13.

Mr. President put the question whether the Convention would agree to said motion and it was determined in the affirmative.

Mr. Leggett moved that the same be recommitted to the Committee on the Judiciary with instructions to report the same forthwith amended as follows:

On page 12, strike out all after the period following the word "appointed" in line 15, and on page 13, strike out all from the beginning down to and including the period following the word "law" in line 7. Also, in line 8, strike out the words "and official referees". At the end of the section add "Former judges and justices of any court shall not be appointed to any public office having judicial functions."

Mr. President put the question whether the Convention would agree to said motion and it was determined in the negative.

Mr. Burkan moved that the same be recommitted to the Committee on the Judiciary with instructions to report the same forthwith amended as follows:

Page 7, line 9, strike out all after the word "only". Strike out all of line 10 and all of line 11 to the period and substitute in place thereof, the following:

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(1) Where one or more of the justices who heard the case dissents from the decision of the court.

(2) From a judgment or order entered upon the decision of any appellate term of the supreme court which finally determines an action or special proceeding commenced in the city court of the city of New York, where is directly involved the construction of the Constitution of the State or of the United States, the statutes of the State, or any charter of the city of New York, but the jurisdiction of the appellate division in such cases shall be limited to the review of questions of law.

(3) From an order granting a new trial in an action commenced in the city court of the city of New York, where the appellant stipulates that upon the affirmance judgment absolute shall be rendered against him.

(4) From an order or judgment of the appellate term reversing or modifying a judgment of the trial court in an action commenced in the city court of the city of New York.

(5) When the appellate term on reversing or modifying a judgment make new findings of fact and render judgment thereon.

Mr. President put the question whether the Convention would agree to said motion and it was determined in the negative.

Mr. F. Martin moved that the same be recommitted to the Committee on the Judiciary with instructions to report the same forthwith amended as follows:

Line 16, after the word "appeals" insert "if in the opinion of said court it is deemed advisable, may" and strike out on said line 16, the word "shall".

Mr. President put the question whether the Convention would agree to said motion and it was determined in the negative.

Mr. Lincoln moved that the same be recommitted to the Committee on the Judiciary with instructions to report the same forthwith amended as follows:

On line 11, page 21, after the word "elected" insert "for acts committed either before or during the term of office of the official impeached."

Mr. President put the question whether the Convention would agree to said motion and it was determined in the negative.

Mr. Lincoln moved that the same be recommitted to the Committee on the Judiciary with instructions to report the same forthwith amended as follows:

On page 11, line 21, after the word "elected" insert "but only

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for acts committed during the term of office during which the official is impeached or for acts by which the official was nominated or elected for such term."

Mr. President put the question whether the Convention would agree to said motion and it was determined in the negative.

Mr. D. Nicoll moved that the same be recommitted to the Committee on the Judiciary with instructions to report the same forthwith amended as follows:

Strike out on page 26, lines 5 and 6, the words "or in any boroughs contained within a city or within districts created for that purpose."

Mr. President put the question whether the Convention would agree to said motion and it was determined in the negative.

Mr. Coles moved that the same be recommitted to the Committee on the Judiciary with instructions to report the same forthwith amended as follows:

Amend section 29 as follows:
Page 34, line 15, strike out words "judicial authentication and guaranty".

Mr. President put the question whether the Convention would agree to said motion and it was determined in the negative.

Mr. Dunmore moved that the same be recommitted to the Committee on the Judiciary with instructions to report the same forthwith amended as follows:

On page 8, last line, after the word "state", insert "or between conflicting claimants" so that the sentence as amended shall read: "The court shall have the jurisdiction now exercised by it and such additional jurisdiction to hear and determine claims against the State or between conflicting claimants as the Legislature may provide."

Mr. President put the question whether the Convention would agree to said motion and it was determined in the affirmative.

Mr. Wickersham from the Committee on the Judiciary reported said Proposed Amendment amended as directed and the same was ordered reprinted and placed on the order of third reading.

Mr. J. L. O'Brian from the Committee on Rules presented the following report:

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The Committee on Rules recommends the adoption of the following special rules:

Resolved, That the following matters be made special orders for consideration when the Convention next goes into the Committee of the Whole:

General order 65, county government.

General order 51, legislative powers.

That debate on each special order be limited to one hour and that the speeches of individual members be limited to ten minutes each.

Mr. President put the question whether the Convention would agree to said report and resolution and it was determined in the affirmative.

The hour of five o'clock and thirty minutes P. M. having arrived the President declared the Convention in recess until eight o'clock and thirty minutes P. M.

EIGHT O'CLOCK AND THIRTY MINUTES P. M.

The Convention again convened.

Upon the direction of the President the secretary called the roll of delegates and the following responded.

Adams	Curran	Heaton	O'Brien M J	Smith E N
Ahearn	Dahm	Johnson	O'Connor	Stanchfield
Aiken	Daly	Jones	Ostrander	Standart
Allen F C	Dennis	Kirby	Parmenter	Steinbrink
Austin	Deyo	Landreth	Parsons	Stowell
Bannister	Dick	Latson	Pelletreau	Tuck
Barnes	Donnelly	Law	Phillips S K	Van Ness
Barrett	Donovan	Leggett	Potter	Wadsworth
Baumes	Doughty	Lennox	Quigg	Wafer
Bayes	Dow	Lincoln	Reeves	Ward
Beach	Dunmore	Linde	Rhees	Webber C A
Bell	Eggleston	Lindsay	Richards	Weed
Berri	Eppig	Low	Rosch	Westwood
Betts	Fancher	Mandeville	Ryan	Whipple
Blauvelt	Fobes	Mann	Ryder	White C J
Bockes	Fogarty	Martin F	Sanders	Wickersham
Brenner	Franchot	Martin L M	Sargent	Wiggins
Bunce	Frank	Marshall	Saxe M	Williams
Buxbaum	Green	Mathewson	Schoonhut	Winslow
Clearwater	Greff	Mealy	Schurman	Wood
Clinton	Griffin	Mereness	Sears	Young C H
Cobb	Haffen	Nixon	Sharpe	Young F L
Coles	Hale	Nye	Sheehan	President
Cullinan	Harawitz	O'Brian J L	Shipman	119

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Proposed Amendment (No. 827, Int. No. 371), entitled "Proposed constitutional amendment to amend section eleven of Article VIII of the Constitution, in relation to the duties and powers of the State Commission in Lunacy."

Was read the third time and passed, a majority of the delegates elected to the Convention voting in favor thereof.

Those who voted in the affirmative:

Adams	Curran	Jones	Pelletreau	Stowell
Ahearn	Dahm	Kirby	Phillips S K	Tuck
Aiken	Daly	Landreth	Potter	Unger
Allen F C	Dennis	Lateon	Quigg	Van Ness
Austin	Deyo	Law	Reeves	Wadsworth
Bannister	Dick	Lennox	Rhees	Wafer
Barrett	Doughty	Lincoln	Richards	Ward
Baumes	Dow	Linde	Rosch	Waterman
Bayes	Dunmore	Low	Ryan	Webber C A
Beach	Eggleston	Mandeville	Ryder	Weed
Bell	Eppig	Mann	Sanders	Westwood
Berri	Fancher	Martin L M	Sargent	Whipple
Betts	Fobes	Mereness	Schoonhut	White C J
Blauvelt	Fogarty	Nixon	Schurman	Wickersham
Bockes	Franchot	Nye	Sears	Wiggins
Brenner	Frank	O'Brian J L	Sharpe	Williams
Bunce	Green	O'Brien M J	Shipman	Winslow
Buxbaum	Haffen	O'Connor	Smith E N	Wood
Clearwater	Hale	Parker	Stanchfield	Young C H
Clinton	Harawitz	Parmenter	Standart	Young F L
Coles	Heaton	Parsons	Steinbrink	President
Cullinan	Johnson			107

Those who voted in the negative:

Barnes	Dooling	Martin F	Mealy	Ostrander
Donnelly	Leggett			7

Proposed Amendment (No. 830, Int. No. 712), entitled "Proposed constitutional amendment to amend Article XII of the Constitution generally, in relation to cities and villages and their powers of self government."

Having been announced Mr. Tuck moved that the same be recommitted to the Committee on Cities with instructions to report the same forthwith amended as follows:

Page 6, line 22, after the word "to" insert: "boundaries" in italics.

Mr. President put the question whether the Convention would agree to said motion and it was determined in the affirmative.

Mr. Franchot moved that the same be recommitted to the Committee on Cities with instructions to report the same forthwith amended as follows:

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Page 3, line 16, after the word "may" insert "adopt a revised charter or" in italics.

Page 4, line 23, after the word "charter" insert "after one revision thereof".

Page 7, line 6, enclose the word "such" in brackets and insert after such brackets in italics the word "each" after the "city" insert in italics the words "to which it relates".

Mr. President put the question whether the Convention would agree to said motion and it was determined in the affirmative.

Mr. Franchot moved that the same be recommitted to the Committee on Cities with instructions to report the same forthwith amended as follows:

Page 6, line 24, after the word "and" and before the word "the" insert in italics the words "in relation to".

Mr. President put the question whether the Convention would agree to said motion and it was determined in the affirmative.

Mr. Franchot moved that the same be recommitted to the Committee on Cities with instructions to report the same forthwith amended as follows:

Page 6, line 25, after the word "and" insert the word "not", strike out the words "less than".

Mr. President put the question whether the Convention would agree to said motion and it was determined in the negative.

Mr. Doughty moved that the same be recommitted to the Committee on Cities with instructions to report the same forthwith amended as follows:

Page 3, line 12, after the word "record" add "provided that provisions for the removal of police officers in cities of the first and second classes shall not prohibit a court review of such removal proceedings."

Mr. Wickersham moved to amend said motion to read as follows:

Page 3, at the end of line 12, insert: "provided however that nothing herein contained shall be construed to impair the right of any police officer or fireman of the city to review by appropriate legal proceeding the legality of any removal."

Mr. Donnelly moved to amend said amendment to read as follows:

Page 3, line 12, after the word "record" strike out the period

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and add "provided that in cities of the first and second class the removal of policemen and firemen shall be subject to review by writ of certiorari."

Mr. President put the question whether the Convention would agree to said motion to amend the amendment and it was determined in the negative.

Mr. President put the question whether the Convention would agree to said motion to amend and it was determined in the negative.

Mr. President put the question whether the Convention would agree to said motion and it was determined in the negative.

Mr. A. E. Smith moved that the same be recommitted to the Committee on Cities with instructions to report the same forthwith amended as follows:

Page 5, between lines 20 and 21, insert a new paragraph to read: "The Legislature may provide that charters and charter amendments shall not be submitted to the Legislature for approval unless a protest against such charter or charter amendments is made, as provided by law, by the electors or the municipal authorities of the city or by the members of the Legislature. The Legislature may delegate to the electors of a city the power to disapprove charter amendments herein vested in the Legislature."

Mr. President put the question whether the Convention would agree to said motion and it was determined in the negative.

Mr. Dooling moved that the same be recommitted to the Committee on Cities with instructions to report the same forthwith amended as follows:

On page 5, line 4, strike out all after the word "be", all of lines 5, 6, 7 and all of line 8 to and including the word "respectively" and insert instead the following "twenty-two, one chosen by the electors of each senate district".

Mr. President put the question whether the Convention would agree to said motion and it was determined in the negative.

Mr. Low from the Committee on Cities reported said Proposed Amendment amended as directed and the same was ordered reprinted and placed on the order of third reading.

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Proposed amendment (No. 837, Int. No. 31), entitled "Proposed constitutional amendment to amend article seven by adding a new section relating to highways."

Was read the third time and passed, a majority of the delegates elected to the Convention voting in favor thereof.

Those who voted in the affirmative were:

Adams	Dahm	Heaton	Nicoll D	Sharpe
Ahearn	Daly	Hinman	Nye	Shipman
Aiken	Dennis	Johnson	O'Brien M J	Smith E N
Allen F C	Deyo	Kirby	O'Connor	Smith R B
Austin	Dick	Kirk	Ostrander	Stanchfield
Bannister	Donnelly	Landreth	Parker	Steinbrink
Barnes	Donovan	Latson	Parmenter	Stimson
Barrett	Dooling	Law	Parsons	Stowell
Baumes	Doughty	Leary	Phillips J S	Van Ness
Beach	Dow	Lennox	Phillips S K	Wadsworth
Bell	Dunmore	Lincoln	Potter	Wafer
Bernstein	Eggleston	Linde	Reeves	Ward
Berri	Endres	Lindsay	Rhees	Webber C A
Betts	Eppig	Low	Richards	Weber R E
Blauvelt	Fancher	McKinney	Rodenbeck	Weed
Bockes	Fobes	Mandeville	Ryan	Westwood
Brackett	Fogarty	Martin F	Ryder	Whipple
Brenner	Franchot	Martin L M	Sanders	Wickersham
Burkan	Frank	Marshall	Sargent	Winslow
Buxbaum	Green	Mathewson	Saxe J G	Wood
Clearwater	Greff	Meigs	Schoonhut	Young C H
Coles	Haffen	Newburger	Schurman	Young F L
Cullinan	Hale	Nicoll C	Sears	President
Curran	Harawitz			117

Those who voted in the negative were:

Bayes	Leggett	Pelletreau	Standart	White C J
Clinton	Mealy	Rosch	Tuck	Wiggins
Ford	Mereness	Smith A E	Unger	Williams
Jones	Nixon			17

Mr. Rodenbeck from the Committee on Revision and Engrossment to which was referred the Proposed Constitutional Amendment, introduced by the Committee on Canals (No. 845, Int. No. 710), entitled "Proposed constitutional amendment to amend section eight of article seven of the Constitution, in relation to the disposal of canal terminals and surplus waters of the canals and the title to state appropriations."

Also, the Proposed Constitutional Amendment introduced by the Committee on Suffrage (No. 844, Int. No. 711), entitled "Proposed constitutional amendment to amend section four of

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article two of the Constitution, in respect to the enactment of election and registration laws," reports the same as examined, found correct and properly engrossed.

ADOLPH J. RODENBECK,
Chairman.

which report was accepted and said proposed amendment ordered placed on the third reading calendar.

Mr. Rodenbeck from the Committee on Revision and Engrossment to which was referred the Proposed Constitutional Amendment introduced by Mr. R. B. Smith (No. 841, Int. No. 290) entitled "Proposed constitutional amendment to amend section ten of article three of the Constitution, in relation to the powers of each house of the legislature."

Also, the proposed constitutional amendment, introduced by Mr. R. B. Smith (No. 846, Int. No. 385), entitled "Proposed constitutional amendment to amend sections six and seven of article four of the Constitution, in relation to succession to the office of Governor," reports the same as properly engrossed.

ADOLPH J. RODENBECK,
Chairman.

which report was accepted and said proposed amendments ordered placed on the third reading calendar.

Mr. Marshall offered, for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee of the Whole be discharged from the further consideration of Proposed Amendment (No. 816, Int. No. 720), entitled "Proposed constitutional amendment to amend Article I of the Constitution generally, and to repeal section one of Article VII of the Constitution, and to amend section nine of Article VIII of the Constitution."

which was agreed to.

Said proposed amendments having been announced, on motion of Mr. Marshall the same was amended as follows:

By adding after the word "have", line 23, page 2, the words "the right to", and by striking out from the same line, after the word "one", the words "right of"; by striking from line 11, page 3, the words "official referees" and by striking from page 3, lines 15 and 19, and substituting therefor the words "where the

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proceedings are instituted by a civil division of the State, compensation shall be paid before such taking, unless the supreme court, after hearing, because of public necessity shall otherwise direct".

Ordered, Reprinted and recommitted.

Proposed Amendment (No. 829, Int. No. 713), entitled "Proposed constitutional amendment to amend section ten of Article VIII of the Constitution, by dividing it into two sections to be known respectively as sections ten and eleven, by amending the second part thereof, and by adding a new section to be known as section twelve," having been announced, Mr. R. B. Smith moved that the same be recommitted to the Committee on Cities with instructions to report the same forthwith amended as follows:

On page 6, lines 10 and 11, strike out "State engineer and surveyor" and insert "superintendent of public works of the State."

Mr. R. B. Smith moved that the same be recommitted to the Committee on Cities with instructions to report the same forthwith amended as follows:

On page 6, lines 25 and 24 strike out "said sinking fund is insufficient to pay the same" and insert "the payment of the same shall not have been provided for by a sinking fund."

Debate was had.

The hour of ten o'clock and thirty minutes P. M. having arrived the President declared the Convention adjourned, the pending question being on the motions of Mr. R. B. Smith.

WEDNESDAY, SEPTEMBER 1, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. William R. Charles.

On motion of Mr. Wickersham, the journal of Monday, August 30th, was approved.

Mr. Reeves presented the following minority report:

The undersigned, members of the Committee on Bill of Rights, respectfully submit the following minority report to the amendment proposed by that Committee to Article one, Section five, which proposed amendment reads as follows: "On a conviction for a crime now punishable by death, the jury may by its verdict

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impose either the death penalty or life imprisonment and, in the latter event, no pardon or commutation shall be granted unless the innocence of the person convicted be established." In our opinion, no change should be made in the Constitution on this subject for the following reasons among others:

(1) The matter is purely legislative and not constitutional. If the proposed amendment were placed in our fundamental law for the next twenty years and found to be detrimental to the people of the state, it would become a great calamity. The states of this country have not, generally, dealt with this subject in their constitutions.

(2) There is no apparent demand for such a change. The general feeling, as we understand it, is that the administration of the criminal law should be strengthened wherever possible and not weakened by provisions which might encourage crime.

(3) The proposed amendment involves a rule of men and not of law. It would not be fair to juries to place upon them a responsibility which fairly and logically belongs to the state. The jury should determine the guilt, but the state, by its law, should fix the punishment. The reverse of this will cause discord in the jury room and lead to many disagreements that otherwise would not occur and will cause a lack of uniformity in punishment.

(4) The proposed amendment is, in effect, an attempt to abolish capital punishment; for few, if any, juries will inflict the death penalty if they can avoid the responsibility.

(5) The City of Greater New York, with its varied and rapidly changing population, is the last place in the world in which to try such an experiment.

(6) We believe that a certain death penalty is the greatest deterrent against murder and that it is the duty of this Convention to conserve the safety of those who otherwise might be victims of that crime. If the retention of the death penalty will cause the murders in this state to be any less in number than they otherwise would be, it should be retained. The practically unanimous testimony of those who are charged with the administration of the criminal law is that, in their opinion, this retention would have that effect.

Dated, Albany, N. Y., August —, 1915.

Respectfully submitted,

MORGAN J. O'BRIEN,
J. G. SCHURMAN,
GEORGE A. BUNCE,
ALFRED G. REEVES,
FRANCIS MARTIN.

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Proposed amendment (No. 829, Int. No. 713) entitled "Proposed constitutional amendment to amend Section ten of Article VIII of the Constitution, by dividing it into two sections to be known respectively as sections ten and eleven, by amending the second part thereof, and by adding a new section to be known as Section twelve," having been announced,

Mr. President announced the pending question to be upon the motions of Mr. R. B. Smith.

Mr. Stimson moved that the same be recommitted to the Committee on Cities with instructions to report the same forthwith amended as follows:

Substitute for section 12.

"The Legislature shall make provision by law for the method and limitations under which debts may be contracted by the cities, counties, towns, villages and other civil subdivisions of the state to the end that such debts shall be payable in annual instalments the last of which shall fall due and be paid within fifty years after such debt shall have been contracted; and to the end that no such debt shall be contracted for a period longer than the probable life of the work or object for which the debt is to be contracted."

Mr. R. B. Smith moved that the same be recommitted to the Committee on Cities with instructions to report the same forthwith amended as follows:

On page 5, line 23, strike out "one year" and insert "five years".

Mr. Austin moved that the same be recommitted to the Committee on Cities with instructions to report the same forthwith amended as follows:

Page 5, line 20, strike out "heretofore or".

Page 5, lines 20 and 21, strike out the words "and such portion thereof from time to time so contracted".

Page 5, line 22, strike out "substantially equal annual" and also the words "the first of which shall be".

Page 5, line 23, strike out "payable not more than one year, and".

Page 5, line 24, strike out "or portion thereof".

The italics on page 5, will then read

"All debts except temporary debts contracted in anticipation of the receipt of taxes or other revenues or of the sale of bonds

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hereafter contracted or refunded by any county, city, town, village or other civil division of the state, pursuant to an authorization therefor hereafter made, shall be paid in instalments, the last of which shall be payable not more than fifty years after such debt shall have been contracted, etc.".

Mr. Deyo moved that the same be recommitted to the Committee on Cities with instructions to report the same forthwith amended as follows:

Amend third reading No. 21 section twelve, page six.

Add at the end of section the words: "Provided, however, that the Legislature may by the affirmative vote of not less than two-thirds of the members elected to each House, enact a law modifying any of the provisions of this section in any case to meet a special emergency if the Comptroller shall have certified to the necessity of its passage."

On motion of Mr. M. J. O'Brien, further consideration of said proposed amendment and pending motions was postponed until Thursday, September 2d.

On motion of Mr. Wickersham, the pending motions were ordered printed for the information of the Convention.

Proposed amendment (No. 841, Int. No. 290) entitled "Proposed constitutional amendment to amend Section ten of Article III of the Constitution, in relation to the powers of each House of the Legislature," was read the third time and passed, a majority of the delegates elected to the Convention voting in favor thereof.

Those who voted in the affirmative were:

Adams	Deyo	Johnson	Owen	Steinbrink
Ahearn	Dick	Jones	Parker	Stimson
Aiken	Donovan	Kirby	Parmenter	Stowell
Allen F C	Dooling	Landreth	Parsons	Tierney
Austin	Doughty	Latson	Pelletreau	Tuck
Baldwin	Dow	Law	Phillips J S	Unger
Bannister	Dunmore	Leggett	Phillips S K	Vanderlyn
Barnes	Dykman	Lennox	Quigg	Van Ness
Barrett	Eggleston	Lincoln	Reeves	Wadsworth
Baumes	Eisner	Linde	Rhees	Wafer
Bayes	Endres	Lindsay	Richards	Wagner
Beach	Eppig	Low	Rodenbeck	Ward
Bell	Fancher	Mandeville	Rosch	Webber C A
Berri	Fobes	Martin F	Ryan	Weber R E
Betts	Fogarty	Martin L M	Sanders	Weed
Blauvelt	Foley	Marshall	Sargent	Westwood
Bockes	Ford	Mathewson	Schurman	Whipple
Brackett	Franchot	Meigs	Sears	White C J
Brenner	Frank	Mereness	Sharpe	Wickersham

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Burkan	Gladding	Mulry	Sheehan	Wiggins
Buxbaum	Green	Nicoll C	Shipman	Williams
Clearwater	Greff	Nixon	Smith A E	Winslow
Clinton	Haffen	Nye	Smith E N	Wood
Cobb	Hale	O'Brian J L	Smith R B	Young C H
Coles	Harawitz	Olcott	Stanchfield	Young F L
Dahm	Heaton	Ostrander	Standart	President
Daly	Hinman			132

Proposed amendment (No. 846, Int. No. 385) entitled "Proposed constitutional amendment to amend Sections six and seven of Article IV of the Constitution, in relation to succession to the office of Governor," was read the third time and passed, a majority of the delegates elected to the Convention voting in favor thereof.

Those who voted in the affirmative were:

Adams	Daly	Hinman	Parker	Stanchfield
Ahearn	Deyo	Johnson	Parmenter	Standart
Aiken	Dick	Jones	Parsons	Steinbrink
Allen F C	Donovan	Kirby	Pelletreau	Stimson
Austin	Dooling	Landreth	Phillips J S	Stowell
Baldwin	Doughty	Latson	Phillips S K	Tuck
Bannister	Dow	Law	Quigg	Unger
Barnes	Dunmore	Lennox	Reeves	Vanderlyn
Barrett	Eggleston	Lincoln	Rhees	Van Ness
Baumes	Eisner	Lindsay	Richards	Wadsworth
Bayes	Endres	Low	Rodenbeck	Wafer
Beach	Eppig	McKinney	Rosch	Wagner
Bell	Fancher	Mandeville	Ryan	Webber C A
Berri	Fobes	Marshall	Sanders	Weber R E
Betts	Fogarty	Martin F	Sargent	Weed
Blauvelt	Foley	Martin L M	Saxe J G	Westwood
Bockes	Franchot	Mathewson	Saxe M	White C J
Brackett	Frank	Meigs	Schoonhut	Wickersham
Brenner	Gladding	Mulry	Schurman	Wiggins
Burkan	Green	Nicoll C	Sears	Williams
Buxbaum	Greff	Nixon	Sharpe	Winslow
Clearwater	Haffen	Nye	Sheehan	Wood
Clinton	Hale	O'Brian J L	Shipman	Young C H
Cobb	Harawitz	Olcott	Smith E N	Young F L
Coles	Heaton	Ostrander	Smith R B	President 125

Proposed amendment (No. 844, Int. No. 711) entitled "Proposed constitutional amendment to amend Section four of Article II of the Constitution, in respect to the enactment of election and registration laws," having been announced.

Mr. Brenner moved that the same be recommitted to the Committee on Suffrage with instructions to report the same forthwith amended as follows:

On page 2, line 11 after the word "registration" insert in italics the words "and who shall at the same time establish their right to register from the election district in which they claim residence".

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Mr. President put the question whether the Convention would agree to said motion, and it was determined in the negative.

Mr. Brackett moved that the same be recommitted to the Committee on Suffrage with instructions to report the same forthwith amended as follows:

On page 2, line 9, after word "will" insert in italics the word "probably".

On page 2, line 14, strike out word "further" and after the word "appearance" insert in italics the words "for such purpose".

Mr. President put the question whether the Convention would agree to said motion, and it was determined in the negative.

Mr. Dunmore moved that the same be recommitted to the Committee on Suffrage with instructions to report the same forthwith amended as follows:

On page 2, line 7, after the word "five" insert in italics the words "nor less than three".

Mr. President put the question whether the Convention would agree to said motion, and it was determined in the negative.

Said Proposed amendment was then read the third time and passed, a majority of the delegates elected to the Convention voting in favor thereof.

Those who voted in the affirmative were:

Adams	Donnelly	Landreth	Parmenter	Steinbrink
Ahearn	Dooling	Law	Parsons	Stimson
Aiken	Doughty	Lincoln	Pelletreau	Tierney
Allen F C	Dunmore	Lindsay	Phillips J S	Tuck
Angell	Dykman	Low	Phillips S K	Unger
Baldwin	Eggleston	McKean	Reeves	Vanderlyn
Bannister	Eisner	McKinney	Rhees	Van Ness
Barnes	Endres	Mandeville	Richards	Wafer
Barrett	Eppig	Mann	Rodenbeck	Wagner
Baumes	Fancher	Marshall	Ryder	Ward
Beach	Fobes	Martin F	Sanders	Webber C A
Bell	Foley	Martin L M	Sargent	Westwood
Bernstein	Gladding	Mathewson	Saxe J G	Whipple
Berri	Green	Meigs	Saxe M	White C J
Blauvelt	Hale	Nicoll C	Schoonhut	Wickersham
Burkan	Harawitz	Nixon	Schurman	Williams
Clearwater	Heaton	Nye	Sears	Winslow
Clinton	Hinman	O'Brian J L	Sharpe	Wood
Cobb	Johnson	Olcott	Shipman	Young C H
Coles	Jones	Ostrander	Smith R B	Young F L
Cullinan	Kirby	Owen	Stanchfield	President
Deyo	Kirk	Parker	Standart	109

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Those who voted in the negative were:

Austin	Daly	Haffen	Nicoll D	Sheehan
Bayes	Dick	Latson	O'Brien M J	Smith E N
Betts	Donovan	Leggett	Potter	Stowell
Bockes	Dunlap	Lennox	Quigg	Weber R E
Brenner	Ford	Linde	Rosch	Weed
Buxbaum	Frank	Mereness	Ryan	Wiggins
Dahm	Greff			32

Proposed amendment (No. 845, Int. No. 710), entitled "Proposed constitutional amendment to amend section eight of Article VII of the Constitution, in relation to the disposal of canal terminals and surplus waters of the canals and the title to State appropriations," having been announced,

On motion of Mr. Clinton, consideration of the same was postponed until Thursday, September 2nd.

Proposed amendment (No. 832, Int. No. 706), entitled "Proposed constitutional amendment to amend Article V of the Constitution by adding a new section thereto relating to public service commissions," having been announced,

Mr. Hale moved that the same be recommitted to the Committee on Public Utilities with instructions to report the same forthwith amended as follows:

Page 2, line 2, strike out the words "the legislature shall". In same line strike out the word "provide" and insert in place thereof the words "provided by law".

Page 2, line 3, strike out the word "commissioners" and insert in place thereof the word "commissions".

Mr. President put the question whether the Convention would agree to said motion, and it was determined in the affirmative.

Mr. Hale, from the Committee on Public Utilities, reported said Proposed amendment amended as directed, and the same was ordered reprinted and placed on the order of third reading.

Proposed amendment (No. 815, Int. No. 719), entitled "Proposed constitutional amendment to amend section twenty of Article III of the Constitution, in relation to the appropriation of public moneys for construction purposes," having been announced,

Mr. Stimson moved that the same be recommitted to the

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Committee on State Finances, etc., with instructions to report the same forthwith amended as follows:

Page 2, at the end of line 5, new paragraph.

"This section shall not apply to the contributions of the State to the cost of eliminating grade crossings, or to items in the Budget for the construction of highways from the proceeds of bonds authorized under section four of Article VII of this Constitution."

Mr. President put the question whether the Convention would agree to said motion, and it was determined in the affirmative.

Mr. Stimson, from the Committee on State Finances, etc., reported said Proposed amendment amended as directed, and the same was ordered reprinted and placed on the order of third reading.

Proposed amendment (No. 838, Int. No. 715) entitled "Proposed constitutional amendment to amend Article XIV of the Constitution, in relation to future amendments and revisions of the Constitution, and permitting the validity of an election on a question submitted and the determination of the result of such an election to be contested by any elector in an action brought in the Supreme Court and by making provision with respect to questions coincidently submitted by a Convention and the Legislature," having been announced,

Mr. Schurman moved that the same be recommitted to the Committee on Future Amendments with instructions to report the same forthwith amended as follows:

Page 2, line 17, after the "," following the word "thereon" insert in italics the following: "provided the majority vote in favor of such amendment shall equal at least one fourth of the aggregate number of votes cast for Members of the Assembly at such election,".

Page 3, line 6, after the word "thereon" insert "," and insert the following in italics: "provided the majority vote in favor thereof shall equal at least one fourth of the aggregate number of votes cast for Members of the Assembly at such election,".

Mr. President put the question whether the Convention would agree to said motion, and it was determined in the negative.

Mr. Wickersham moved that the same be recommitted to the

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Committee on Future Amendments with instructions to report the same forthwith amended as follows:

Page 1, line 7, strike out all after the word "houses" and the words "discussion thereof" in the first line of page 2 and insert in lieu thereof the words "after consideration in joint session as hereinafter provided".

Page 2, line 8, substitute a period for the semi-colon and insert after such period the following words, viz:

"On the first Tuesday following the adoption by either House of the Legislature of any proposed amendment to the Constitution, the two Houses shall convene in joint session for the consideration thereof and thereafter the proposal shall be considered and acted upon by the houses separately".

Page 2, line 8, insert bracket before and after the word "and" and begin a new sentence with the word "if".

Mr. President put the question whether the Convention would agree to said motion, and it was determined in the affirmative.

Mr. Wickersham moved that the same be recommitted to the Committee on Future Amendments with instructions to report the same forthwith amended as follows:

Strike out section 5 on page 6.

Mr. President put the question whether the Convention would agree to said motion, and it was determined in the affirmative.

Mr. Bernstein moved that the same be recommitted to the Committee on Future Amendments with instructions to report the same forthwith amended as follows:

On page 4, line 13, strike out the word "general" and insert the word "special".

Mr. President put the question whether the Convention would agree to said motion, and it was determined in the negative.

Mr. Barnes moved that the same be recommitted to the Committee on Future Amendments with instructions to report the same forthwith amended as follows:

Page 3, line 12, place the bracket before the word "of" instead of "April".

Page 3, line 13, strike out the word "December".

Mr. President put the question whether the Convention would agree to said motion, and it was determined in the affirmative.

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Mr. Doughty moved that the same be recommitted to the Committee on Future Amendments with instructions to report the same forthwith amended as follows:

Change the words quoted as "shall there be a Convention to revise the Constitution and amend the same?" to read "shall there be a Convention to revise and amend the Constitution?"

Mr. President put the question whether the Convention would agree to said motion, and it was determined in the affirmative.

Mr. Hinman moved that the same be recommitted to the Committee on Future Amendments with instructions to report the same forthwith amended as follows:

Page 5, line 12, correct the spelling of the word "thereon". Same page and line, strike out the comma after the word "thereon". Page 5, line 18, strike out comma after the word "thereon".

Mr. President put the question whether the Convention would agree to said motion, and it was determined in the affirmative.

Mr. Hinman, from the Committee on Future Amendments, reported said Proposed amendment amended as directed, and the same was ordered reprinted and placed on the order of third reading.

The hour of one o'clock P. M. having arrived the President declared the Convention in recess until two o'clock and thirty minutes P. M.

TWO O'CLOCK AND THIRTY MINUTES P. M.

The Convention again convened.

Upon the direction of the President the Secretary called the roll of delegates and the following responded:

Adams	Dahm	Heaton	Nye	Smith A E
Ahearn	Dennis	Hinman	O'Brien M J	Smith E N
Aiken	Deyo	Johnson	Olcott	Stanchfield
Allen F C	Dick	Jones	Ostrander	Standart
Angell	Donnelly	Kirby	Owen	Steinbrink
Austin	Donovan	Landreth	Parker	Stimson
Baldwin	Dooling	Latson	Parmenter	Stowell
Bannister	Doughty	Law	Parsons	Tuck
Barnes	Dunlap	Leary	Phillips S K	Unger
Barrett	Dunmore	Leggett	Potter	Van Ness

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Baumes	Dykman	Lincoln	Reeves	Wadsworth
Bayes	Eggleston	Linde	Rhees	Wafer
Beach	Eisner	Lindsay	Rodenbeck	Ward
Bell	Endres	Low	Rosch	Webber C A
Berri	Eppig	McKinney	Ryan	Weed
Betts	Fogarty	Marshall	Ryder	Westwood
Blauvelt	Foley	Martin F	Sanders	Whipple
Brackett	Franchot	Martin L M	Sargent	White C J
Brenner	Frank	Mathewson	Saxe J G	Wickersham
Clearwater	Greff	Meigs	Schoonhut	Williams
Clinton	Griffin	Mereness	Schurman	Young C H
Cobb	Haffen	Nicoll D	Sears	Young F L
Coles	Hale	Nixon	Sharpe	President
Curran				116

Mr. J. L. O'Brian, from the Committee on Rules, presented the following report:

The Committee on Rules recommends the adoption of the following special rule:

Resolved, That the following matters be made special orders for consideration following the present calendar of special orders with debate limited as indicated.

General Order 26, term of Governor, one hour. Delegate in charge of bill twenty minutes; other speakers five minutes each.

General Order 37, Laws restricting manufacturing in buildings one hour. Delegate in charge of bill fifteen minutes; other speakers ten minutes each.

General Order 53, Occupational Diseases; one hour. Delegate in charge of bill fifteen minutes; other speakers ten minutes each.

General Order 54, Food Inspection; one hour. Delegate in charge of bill, fifteen minutes; other speakers ten minutes each.

General Order 67, Rules of Apportionment; two hours. Delegate in charge of bill thirty minutes; other speakers ten minutes each.

General Order 63, Bill of rights; three hours. Delegate in charge of bill one-half hour; other speakers ten minutes each.

General Order 36, Delegating powers as to employees; one hour. Delegate in charge of measure thirty minutes; other speakers ten minutes each.

General Order 55, Living wage, one hour. Delegate in charge of measure thirty minutes; other speakers ten minutes each.

General Order 56, Legislation as to employees one hour. Delegate in charge of bill twenty minutes; other speakers ten minutes each.

General Order 40, Dannemora electricity; one-half hour. All speeches five minutes each.

General Order 41, Board of Pardons; one hour. Delegate in charge of bill twenty minutes; other speakers ten minutes each.

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General Order 13, Police Power; one hour. Delegate in charge of bill twenty minutes; other speakers ten minutes each.

General Order 42. Probation Commission; one hour. Delegate in charge of bill twenty minutes; other speakers ten minutes each.

Mr. President put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative.

Proposed amendment (No. 145, Int. No. 145) entitled "Proposed constitutional amendment to amend Article XV of the Constitution, with respect to the time when the Constitution is to go into effect," was read the third time and passed, a majority of the delegates elected to the Convention voting in favor thereof.

Those who voted in the affirmative were:

Adams	Coles	Johnson	O'Brian J L	Smith A E
Ahearn	Curran	Jones	O'Brien M J	Smith E N
Aiken	Dahm	Kirby	Olcott	Stanchfield
Allen F C	Dennis	Landreth	Ostrander	Standart
Angell	Deyo	Latson	Owen	Steinbrink
Austin	Dick	Law	Parker	Stimson
Baldwin	Donnelly	Leary	Parmenter	Stowell
Bannister	Donovan	Leggett	Parsons	Tierney
Barnes	Doughty	Lennox	Phillips S K	Unger
Barrett	Dunlap	Lincoln	Potter	Vanderlyn
Baumes	Dunmore	Linde	Reeves	Van Ness
Bayes	Dykman	Lindsay	Rhees	Wadsworth
Beach	Eggleston	Low	Rodenbeck	Wafer
Bell	Eisner	McKinney	Rosch	Ward
Bernstein	Endres	Marshall	Ryan	Webber C A
Berri	Fogarty	Martin F	Ryder	Weed
Betts	Foley	Martin L M	Sanders	Westwood
Blauvelt	Ford	Mathewson	Sargent	Whipple
Brenner	Frank	Meigs	Saxe J G	White C J
Bunce	Griffin	Mereness	Schoonhut	Williams
Byrne	Haffen	Nicoll C	Schurman	Young C H
Clearwater	Hale	Nicoll D	Sears	Young F L
Clinton	Heaton	Nixon	Sharpe	President
Cobb	Hinman	Nye		118

The Convention resolved itself into a Committee of the Whole and proceeded to the consideration of the special order being "Proposed constitutional amendment to amend Article III and Article X of the Constitution, in relation to changes in the form of county government, and to the powers and duties of certain county, town and village officers (No. 822, Int. No. 721).

After some time spent therein the President resumed the Chair, and Mr. Hinman from said committee reported progress and asked leave to sit again with an extension of thirty minutes in the time for debate.

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Mr. President put the question on granting leave to sit again and extending the time for debate, and it was determined in the affirmative.

The Convention thereupon again resolved itself into a Committee of the Whole and resumed consideration of said special order.

After some time spent therein the President resumed the Chair, and Mr. Hinman from said committee reported in favor of the passage of said Proposed amendment with amendments, which report was agreed to and said proposition ordered reprinted as amended and to a third reading.

The Convention resolved itself into a Committee of the Whole and proceeded to the consideration of the special order being "Proposed constitutional amendment to amend general Article III of the Constitution, following Section nine and to repeal Sections twenty-three and twenty-five of such Article (No. 833, Int. No. 696).

After some time spent therein the President resumed the Chair, and Mr. Hinman from said committee reported in favor of the passage of said Proposed amendment with amendments.

On motion of Mr. Parsons consideration of said report was postponed until the evening session.

On motion of Mr. A. E. Smith the Committee on Revision and Engrossment was instructed to report Proposed amendment entitled "Proposed constitutional amendment to insert in the Constitution a new article in relation to the conservation of natural resources" (No. 847, Int. No. 708), with the following recommendations:

Page 2, lines 24 and 25, strike out "and with the enforcement of the general laws of the State in respect thereof".

Page 3, line 6, after the word "shall" add "also be entrusted with the enforcement of the general laws of the State respecting the subjects hereinbefore enumerated and".

Mr. Rodenbeck from the Committee on Revision and Engrossment, to which was referred the Proposed constitutional amendment introduced by the Committee on Cities (No. 851, Int. No. 712), entitled "Proposed constitutional amendment to amend Article XII of the Constitution generally, in relation to cities and villages and their powers of self government."

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Also, the Proposed constitutional amendment introduced by the Committee on the Judiciary (No. 850, Int. No. 718), entitled "Proposed constitutional amendment to amend Article VI of the Constitution generally," reports the same as examined, found correct and correctly engrossed.

ADOLPH J. RODENBECK,
Chairman.

which report was accepted and said Proposed amendment ordered placed on the third reading calendar.

Mr. Berri offered for the consideration of the Convention a resolution in the words following:

Resolved, That the printing committee be authorized to have printed as a document, 2,500 copies of the address of the President of this Convention, delivered in Committee of the Whole when it had under consideration the proposal from the Committee on Governor and Other State Officers in relation to the short ballot.

Mr. Vice-President Schurman put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

The President presented the following telegram:

Hon. ELIHU ROOT, *Capitol, Albany, N. Y.:*

Fred Tanner successfully operated upon this afternoon for appendicitis, doing splendidly, wanted me to thank you for your telegram which was received shortly before operation.

T. C. CHALMERS, M. D.

On motion of Mr. Wickersham, the Secretary was instructed to telegraph to Mr. Tanner the hearty good wishes and loving expectations of this body for his speedy recovery, and congratulations upon his good progress at the present time.

Pursuant to said motion the Secretary transmitted the following:

Hon. FREDERICK C. TANNER, *Post Graduate Hospital, New York City:*

By direction of the Convention I convey to you the hearty good wishes and loving expectations of the delegates for your speedy recovery and congratulations upon your good progress at the present time.

FRED W. HAMMOND,
Assistant Secretary.

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On motion of Mr. J. G. Saxe, proposed amendment, entitled "Proposed constitutional amendment to amend Section eighteen, Article III of the Constitution, in relation to limitations of the power of the Legislature to pass private or local bills, by prohibiting private claim bills" (No. 738, Int. No. 214), was recommitted to the Committee on Legislative Powers.

The hour of five o'clock and thirty minutes P. M. having arrived the President declared the Convention in recess until eight o'clock and thirty minutes P. M.

EIGHT O'CLOCK AND THIRTY MINUTES P. M.

The Convention again convened.

On motion of Mr. Barnes, Proposed amendment entitled "Proposed constitutional amendment to amend section nineteen of Article III of the Constitution, in relation to the passage of private claim bills" (No. 732, Int. No. 550), was recommitted to the Committee on Legislative Powers.

Mr. Rodenbeck, from the Committee on Revision and Engrossment, to which was referred the Proposed constitutional amendment, introduced by the Committee on Governor and Other State Officers (No. 843, Int. No. 716), entitled "Proposed constitutional amendment repealing sections one, two, three, four, six and seven of Article V and creating a new article five in relation to State officers," reports the same as examined, found correct and properly engrossed.

ADOLPH J. RODENBECK,
Chairman.

which report was accepted and said Proposed amendment ordered placed on the third reading calendar.

Mr. Rhees, from the Committee on Governor and other State Officers, presented the following report:

The Committee on Governor and other State Officers, to which were referred several proposed amendments to Article V of the Constitution, reports by Proposed constitutional amendment, entitled "Proposed constitutional amendment repealing Section

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five of Article five and creating a new section to be appropriately numbered" (Int. No. 725), which was read twice and said committee reports in favor of the passage of the same, which report was agreed to and said Proposed amendment ordered printed and referred to the Committee of the Whole.

Mr. Parsons called up the report of the Committee of the Whole on Proposed constitutional amendment to amend, generally, Article III of the Constitution, following Section nine and to repeal Sections twenty-three and twenty-five of such article (No. 833, Int. No. 696).

Mr. President stated the question to be upon agreeing to the report of the Committee of the Whole.

Mr. Parsons moved to amend the motion to agree with the report from the Committee of the Whole by moving to recommit to the Committee of the Whole with instructions to report forthwith amended as follows:

Page 5, line 6, insert the following " section twenty-five of such article is hereby repealed ".

Page 5, enclose in brackets Section 25.

Mr. President put the question whether the Convention would agree to said motion, and it was determined in the affirmative.

Said report having been amended as directed, the President put the question whether the Convention would agree to said report as amended and it was determined in the affirmative.

Mr. Rodenbeck from the Committee on Revision and Engrossment, to which was referred the Proposed constitutional amendment introduced by Mr. Dow (No. 852, Int. No. 708), entitled: " Proposed constitutional amendment to insert in the Constitution a new article in relation to the conservation of natural resources," reports the same as examined, found correct and properly engrossed.

ADOLPH J. RODENBECK,
Chairman.

which report was accepted and said Proposed amendment ordered placed on the third reading calendar.

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The Convention resolved itself into a Committee of the Whole and proceeded to the consideration of the special order being Proposed constitutional amendment to amend Section one, Article IV of the Constitution. (No. 755, Int. No. 702.)

After some time spent therein the President resumed the Chair and Mr. Hinman from said committee reported in favor of the passage of the Proposed amendment with amendments which report was agreed to and said proposition ordered reprinted as amended and to a third reading.

The Convention resolved itself into a Committee of the Whole and proceeded to the consideration of the special order being "Proposed constitutional amendment to amend section eight, article five of the constitution, in order to permit the noncompulsory inspection and grading of food products" (No. 790, Int. No. 131).

After some time spent therein the President resumed the Chair and Mr. Hinman from said committee reported in favor of the passage of the Proposed amendment which report was agreed to and said proposition ordered to a third reading.

On motion of Mr. Wickersham the Convention adjourned.

THURSDAY, SEPTEMBER 2, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. Charles S. Hager.

On motion of Mr. Wickersham, the journal of Tuesday, August 31st, was approved.

The President presented the memorial of the canal boat masters of the city of Buffalo, which was referred to the Committee on Canals.

On motion of Mr. Barnes, "Proposed constitutional amendment to amend Article III of the Constitution, relating to the powers of the Legislature" (No. 753, Int. No. 700), was recommitted to the Committee on Legislative Powers.

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Proposed amendment (No. 852, Int. No. 708) entitled "Proposed constitutional amendment to insert in the Constitution a new article, in relation to the conservation of natural resources," was read the third time and passed, a majority of the delegates elected to the Convention voting in favor thereof.

Those who voted in the affirmative were:

Adams	Daly	Heaton	O'Brien M J	Standart
Allen F C	Dennis	Johnson	Olcott	Steinbrink
Angell	Deyo	Jones	Ostrander	Stimson
Austin	Dick	Landreth	Owen	Tierney
Baldwin	Donovan	Latson	Parmenter	Unger
Bannister	Dooling	Law	Parsons	Vanderlyn
Barnes	Doughty	Leary	Pelletreau	Van Ness
Barrett	Dow	Leitner	Phillips J S	Wadsworth
Baumes	Drummond	Lincoln	Phillips S K	Wafer
Bayes	Dunmore	Linde	Potter	Ward
Beach	Dykman	Lindsay	Quigg	Waterman
Bell	Eggleston	Low	Reeves	Webber C A
Berri	Eppig	Mandeville	Rhees	Weber R E
Blauvelt	Fancher	Mann	Rosch	Weed
Bockes	Fobes	Martin F	Ryder	Westwood
Brenner	Fogarty	Martin L M	Sanders	Wheeler
Burkan	Ford	Marshall	Sargent	Whipple
Buxbaum	Franchot	Mathewson	Saxe M	White C J
Byrne	Frank	Mealy	Schurman	Wickersham
Clinton	Gladding	Meigs	Sears	Wiggins
Clearwater	Greff	Mulry	Sharpe	Wood
Cobb	Griffin	Nicoll D	Shipman	Young C H
Coles	Haffen	Nixon	Smith E N	Young F L
Curran	Hale	O'Brian J L	Stanchfield	President
Dahm				121

Those who voted in the negative were:

Aiken	Leggett	Mereness	Parker	Stowell
Betts	McKinney	Nye	Smith R B	Williams
Endres				11

By unanimous consent, the fact that Messrs. Dunlap, Green and J. G. Saxe were unavoidably absent at the final passage of Proposed amendment No. 852, Int. No. 708, and would if present have voted "aye" was ordered entered and spread upon the journal.

Proposed amendment (No. 850, Int. No. 718) entitled "Proposed constitutional amendment to amend Article VI of the Constitution, generally," was read the third time and passed, a majority of the delegates elected to the Convention voting in favor thereof.

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Those who voted in the affirmative were:

Adams	Dennis	Jones	Nye	Smith R B
Ahearn	Deyo	Kirby	O'Brian J L	Stanchfield
Aiken	Dick	Landreth	O'Brien M J	Standart
Allen F C	Donovan	Latson	Olcott	Steinbrink
Baldwin	Dooling	Law	Ostrander	Stimson
Bannister	Doughty	Leary	Owen	Stowell
Barnes	Dow	Leggett	Parmenter	Tierney
Barrett	Drummond	Leitner	Parsons	Tuck
Baumes	Dunmore	Lennox	Pelletreau	Vanderlyn
Bayes	Dykman	Lincoln	Phillips J S	Van Ness
Beach	Eggleston	Linde	Phillips S K	Wadsworth
Bell	Endres	Lindsay	Potter	Wafer
Berri	Eppig	Low	Quigg	Ward
Betts	Fancher	McKinney	Reeves	Waterman
Blauvelt	Fobes	Mandeville	Rhees	Webber C A
Bockes	Fogarty	Mann	Rosch	Weed
Brenner	Ford	Marshall	Ryder	Westwood
Burkan	Franchot	Martin F	Sanders	Wheeler
Buxbaum	Frank	Martin L M	Sargent	Whipple
Byrne	Gladding	Mathewson	Saxe M	White C J
Clinton	Green	Mealy	Schoonhut	Wickersham
Clearwater	Greff	Meigs	Schurman	Wiggins
Cobb	Griffin	Mereness	Sears	Williams
Coles	Haffen	Mulry	Sharpe	Wood
Cullinan	Hale	Nicoll C	Sheehan	Young C H
Curran	Heaton	Nicoll D	Shipman	Young F L
Daly	Johnson	Nixon	Smith E N	President 135

Those who voted in the negative were:

Austin	Dahm	Unger	3

By unanimous consent, the fact that Messrs. Dunlap, Donnelly, Foley, Harawitz, Newburger and Wagner were unavoidably absent at the time of the passage of Proposed amendment No. 850, Int. No. 718, and would, if present, have voted "aye" upon said proposition was ordered entered upon the journal.

By unanimous consent, the fact that Messrs. Eisner and J. G. Saxe were unavoidably absent at the time of the passage of proposed amendment No. 850, Int. No. 718, and would, if present, have voted "no" was ordered entered upon the journal.

Proposed amendment (No. 851, Int. No. 712) entitled "Proposed constitutional amendment to amend Article XII of the Constitution, generally, in relation to cities and villages and their powers of self government," was read the third time and passed, a majority of the delegates elected to the Convention voting in favor thereof.

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Those who voted in the affirmative were:

Adams	Deyo	Latson	Parmenter	Steinbrink
Aiken	Dick	Law	Parsons	Stimson
Allen F C	Dooling	Leggett	Pelletreau	Stowell
Angell	Doughty	Lennox	Phillips J S	Tierney
Austin	Dow	Lincoln	Phillips S K	Tuck
Baldwin	Dunmore	Linde	Potter	Vanderlyn
Bannister	Dykman	Lindsay	Quigg	Van Ness
Barrett	Eggleston	Low	Reeves	Wadsworth
Baumes	Endres	McKinney	Rhees	Wafer
Bayes	Fancher	Mandeville	Rosch	Waterman
Beach	Fobes	Martin L M	Ryan	Webber C A
Bell	Ford	Marshall	Ryder	Weber R E
Bernstein	Franchot	Mathewson	Sanders	Weed
Berri	Frank	Mealy	Sargent	Westwood
Betts	Gladding	Meigs	Saxe M	Wheeler
Blauvelt	Green	Mereness	Schoonhut	Whipple
Bockes	Greff	Nicoll C	Schurman	White C J
Brenner	Griffin	Nicoll D	Sears	Wickersham
Buxbaum	Hale	Nixon	Sharpe	Wiggins
Clinton	Heaton	Nye	Slevin	Williams
Clearwater	Johnson	O'Brian J L	Smith E N	Wood
Cobb	Jones	O'Brien M J	Smith R B	Young C H
Coles	Kirby	Olcott	Stanchfield	Young F L
Cullinan	Landreth	Parker	Standart	President 120

Those who voted in the negative were:

Ahearn	Daly	Leitner	Ostrander	Unger
Barnes	Donovan	Martin F	Sheehan	Wagner
Burkan	Drummond	Mulry	Smith A E	Ward
Dahm	Fogarty			17

By unanimous consent, the fact that Messrs. Byrne, Dunlap, Eisner and Newburger were unavoidably absent during the final passage of Proposed amendment No. 851, Int. No. 712, and would, if present, have voted "aye" on said proposition was ordered entered upon the journal.

By unanimous consent, the fact that Mr. Foley was unavoidably absent during the final passage of Proposed amendment No. 851, Int. No. 712, and would, if present, have voted "no" was ordered entered upon the journal.

Proposed amendment (No. 829, Int. No. 713) entitled "Proposed constitutional amendment to amend Section ten of Article VIII of the Constitution, by dividing it into two sections to be known respectively as Sections ten and eleven, by amending the second part thereof, and by adding a new section to be known as Section twelve," having been announced,

Mr. President stated the question to be upon the pending motions of yesterday, recommitting said proposition with instructions to amend and report forthwith.

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Mr. President put the question whether the Convention would agree to the first motion of Mr. R. B. Smith, and it was determined in the affirmative.

Mr. President put the question whether the Convention would agree to the second motion of Mr. R. B. Smith, and it was determined in the affirmative.

By unanimous consent, Mr. Stimson withdrew his amendment and substituted therefor the following:

"The Legislature shall provide for the method and limitations under which debts may be contracted by the cities, counties, towns, villages and other civil divisions of the State to the end that such debts shall be payable in annual installments, the last of which shall fall due and be paid within fifty years after such debt shall have been contracted, and that no such debt shall be contracted for a period longer than the probable life of the work or object for which the debt is to be contracted."

Mr. President put the question whether the Convention would agree to said motion of Mr. Stimson, and it was determined in the affirmative.

The third motion of Mr. R. B. Smith was thereupon withdrawn.

The motion of Mr. Austin was thereupon withdrawn.

The motion of Mr. Deyo was thereupon withdrawn.

Mr. Low, from the Committee on Cities, reported said Proposed amendment amended as directed, and the same was ordered reprinted and placed on the order of third reading.

Proposed amendment (No. 845, Int. No. 710) entitled "Proposed constitutional amendment to amend Section eight of Article VII of the Constitution, in relation to the disposal of canal terminals and surplus waters of the canals and the title to State appropriations," having been announced,

Mr. Wickersham moved that the same be recommitted to the Committee on Canals with instructions to report the same forthwith amended as follows:

Page 1, line 6, after the word "nor" insert "except as herein otherwise provided".

Page 3, strike out lines 16, 17 and 18.

Mr. President put the question whether the Convention would agree to said motion, and it was determined in the negative.

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Mr. Cobb moved that the same be recommitted to the Committee on Canals with instructions to report the same forthwith amended as follows:

On page 1, line 5, before the word " or " at the end of the line, insert in italics the words " the improved barge canals ".

On line 6, before the word " canal " insert in italics the word " any ".

On page 2, after the "] " on line 12, strike out the balance of the page.

On page 3, strike out all italicized matter through line 15 and insert in italics the following: " The foregoing prohibition shall not apply to such portions of the existing canals as, by reason of changes made pursuant to laws heretofore enacted for the improvement of the canals of the State, shall no longer be required for canal purposes; but no sale, lease or other disposition thereof shall be made until they shall have been abandoned by general laws enacted pursuant to the recommendation of the Canal Board. Any such sale, lease or other disposition shall be subject to the approval of the Commissioners of the Land Office and secure to the State the fair value of the property affected."

Mr. President put the question whether the Convention would agree to said motion, and it was determined in the negative.

Mr. Cobb moved that the same be recommitted to the Committee on Canals with instructions to report the same forthwith amended as follows:

Page 3, line 22, strike out all of line after the word " only ", all of line 23 and line 24 to and including the word " canal ".

Mr. President put the question whether the Convention would agree to said motion, and it was determined in the negative.

Said proposed amendment was then read the third time and passed, a majority of the delegates elected to the Convention voting in favor thereof.

Those who voted in the affirmative were:

Adams	Deyo	Landreth	Olcott	Standart
Ahearn	Doughty	Latson	Ostrander	Steinbrink
Allen F C	Dow	Law	Owen	Stimson
Angell	Drummond	Leary	Parker	Stowell
Austin	Dunlap	Leitner	Parmenter	Tierney
Baldwin	Dunmore	Lennox	Pelletreau	Tuck
Bannister	Dykman	Lincoln	Phillips J S	Unger
Barnes	Eggleston	Linde	Phillips S K	Vanderlyn
Barrett	Eisner	Lindsay	Quigg	Van Ness
Baumes	Endres	Low	Reeves	Wadsworth
Bayes	Eppig	McKean	Rhees	Wafer
Beach	Fancher	McKinney	Rodenbeck	Wagner

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Bernstein	Fobes	Mandeville	Ryan	Ward	
Berri	Fogarty	Martin L M	Ryder	Waterman	
Bockes	Frank	Marshall	Sanders	Webber C A	
Brackett	Gladding	Mathewson	Sargent	Weed	
Brenner	Green	Mealy	Saxe J G	Westwood	
Bunce	Greff	Meigs	Schoonhut	Wheeler	
Burkan	Griffin	Mereness	Schurman	Whipple	
Byrne	Haffen	Mulry	Sharpe	White C J	
Clearwater	Hale	Newburger	Shipman	Williams	
Clinton	Harawitz	Nicoll C	Smith A E	Wood	
Cobb	Heaton	Nicoll D	Smith E N	Young C H	
Coles	Hinman	Nixon	Smith R B	Young F L	
Cullinan	Johnson	Nye	Stanchfield	President	
Dahm	Jones				127

Those who voted in the negative were:

Aiken	Blauvelt	Leggett	Parsons	Sears	
Bell	Dick	O'Brian J L	Potter	Wickersham	10

Proposed amendment (No. 843, Int. No. 716) entitled "Proposed constitutional amendment repealing Sections one, two, three, four, six and seven of Article V and creating a new Article V in relation to State officers," having been announced,

Mr. Latson moved that the same be recommitted to the Committee on Governor and Other State Officers with instructions to report the same forthwith amended as follows:

Page 6, at end of page insert the following:

"Section 7. This article shall not apply to the military or naval affairs or forces, nor to property from time to time devoted to military or naval purposes."

Mr. President put the question whether the Convention would agree to said motion, and it was determined in the affirmative.

Mr. Rhees, from the Committee on Governor and Other State Officers, reported said proposed amendment amended as directed, and the same was ordered reprinted and placed on the order of third reading.

On motion of Mr. Wickersham, the order of third reading was suspended until the evening session.

Mr. Rodenbeck, from the Committee on Revision and Engrossment, to which was referred the proposed constitutional amendment introduced by the Committee on Governor and Other State Officers, etc. (No. 858, Int. No. 702), entitled "Proposed constitutional amendment to amend Sections one and four, Article IV, of the Constitution," reports the same as examined, found correct and properly engrossed.

ADOLPH J. RODENBECK,
Chairman.

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which report was accepted and said Proposed amendments ordered placed on the third reading calendar.

Mr. Rodenbeck, from the Committee on Revision and Engrossment, to which was referred the Proposed constitutional amendment introduced by the Committee on Public Utilities (No. 856, Int. No. 706), entitled "Proposed constitutional amendment to amend Article V of the Constitution by adding a new section thereto relating to public service commissions."

Also, the "Proposed constitutional amendment to amend Section twenty of Article III of the Constitution, in relation to the appropriation of public moneys for construction purposes."

Also, the proposed constitutional amendment introduced by the Committee on Future Amendments (No. 855, Int. No. 715), entitled "Proposed constitutional amendment to amend Article XIV of the Constitution, in relation to future amendments and revisions of the Constitution, and permitting the validity of an election on a question submitted and the determination of the result of such an election to be contested by any elector in an action brought in the Supreme Court and by making provision with respect to questions coincidently submitted by a Convention and the Legislature."

Also, the Proposed constitutional amendment introduced by the Committee on Counties, Towns and Villages, their Organization and Government (No. 853, Int. No. 721), entitled "Proposed constitutional amendment to amend Articles III and X of the Constitution, in relation to changes in the form of county government, and to the powers and duties of certain county, town and village officers," reports the same as examined, found correct and properly engrossed.

ADOLPH J. RODENBECK,
Chairman.

which report was accepted and said Proposed amendments ordered placed on the third reading calendar.

Mr. Rodenbeck, from the Committee on Revision and Engrossment, to which was referred the Proposed constitutional amendment introduced by Committee on Legislative Powers (No. 859, Int. No. 696), entitled "Proposed constitutional amendment to amend, generally, Article III of the Constitution, following Section nine and to repeal Sections twenty-three and twenty-five of such Article," reports the same with the following recommendations:

Page 1, strike out lines 1 to 5, inclusive.
Page 2, strike out lines 1 to 5, inclusive.

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Page 2, line 6, strike out " § 2 " and insert " Section 1 ".
In the same line strike out " such " and insert after "article " the words " three of the constitution ".
Page 2, line 14, change the numeral " 3 " to " 2 ".
Page 3, line 3, change the numeral " 4 " to " 3 ".
Page 5, line 1, change the numeral " 5 " to " 4 ".
Page 5, line 8, change the numeral " 6 " to " 5 ".
Page 5, line 13, change the numeral " 7 " to " 6 ".
Page 5, line 22, change the numeral " 8 " to " 7 ".

ADOLPH J. RODENBECK,
Chairman.

which report was accepted and said Proposed amendment ordered reprinted and engrossed for a third reading.

Mr. Rodenbeck, from the Committee on Revision and Engrossment, to which was referred the Proposed constitutional amendment introduced by Mr. Franchot (No. 790, Int. No. 131), entitled " Proposed constitutional amendment to amend Section eight, Article V, of the Constitution, in order to permit the non-compulsory inspection and grading of food products," reports the same with the following recommendations:

Page 1, line 3, strike out the section mark and insert " Section ".
Page 1, line 6, after " law " insert a colon enclosed with brackets and italicize the semicolon.
Page 1, line 7, after " office " and before the ensuing bracket insert in italics " for the non-compulsory inspection and grading of food products, or ".
Page 2, strike out the italicized matter in lines 1 and 2.

ADOLPH J. RODENBECK,
Chairman.

which report was accepted and said Proposed amendment ordered reprinted and engrossed for a third reading.

The hour of one o'clock P. M. having arrived the President declared the Convention in recess until two o'clock and thirty minutes P. M.

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TWO O'CLOCK AND THIRTY MINUTES P. M.

The Convention again convened.

Upon the direction of the President the Secretary called the roll of delegates and the following responded:

Adams	Dahm	Kirby	O'Connor	Smith E N
Ahearn	Daly	Landreth	Olcott	Smith R B
Aiken	Dennis	Latson	Ostrander	Stanchfield
Allen F C	Deyo	Law	Owen	Standart
Allen V M	Dick	Leary	Parker	Steinbrink
Angell	Donnelly	Leggett	Parmenter	Stimson
Austin	Dooling	Leitner	Parsons	Stowell
Baldwin	Doughty	Lennox	Pelletreau	Tierney
Bannister	Dow	Lincoln	Phillips S K	Tuck
Barnes	Dunlap	Linde	Potter	Unger
Barrett	Dunmore	Lindsay	Quigg	Van Ness
Baumes	Dykman	Low	Reeves	Wadsworth
Bayes	Eggleston	McKean	Rhees	Wafer
Beach	Eisner	Marshall	Rosch	Wagner
Bell	Fancher	Martin F.	Ryder	Ward
Berri	Fobes	Martin L M	Sanders	Waterman
Bockes	Fogarty	Mathewson	Sargent	Weed
Brackett	Franchot	Meigs	Saxe J G	Westwood
Brenner	Frank	Mereness	Schoonhut	Wheeler
Bunce	Griffin	Newburger	Schurman	White C J
Byrne	Haffen	Nicoll C	Sears	Wickersham
Clearwater	Hale	Nicoll D	Sharpe	Wiggins
Clinton	Harawitz	Nixon	Sheehan	Wood
Cobb	Hinman	Nye	Shipman	Young C H
Coles	Johnson	O'Brian J L	Slevin	Young F L
Cullinan	Jones	O'Brien M J	Smith A E	President 130

Mr. Latson, from the Committee on Militia and Military Affairs, presented the following report:

Your Committee on Militia and Military Affairs has retained under consideration several proposed amendments and begs to submit this, its final report.

Printed No. 266, by Mr. Heyman.
Printed No. 439, by Mr. C. Nicoll.

The purpose of these bills was to accord certain Civil Service recognition to members of the National Guard, who had received or might be entitled to receive a full and honorable discharge. Your Committee favor this proposition, and it has been commended by all commanding officers of the National Guard who appeared before your Committee. The prevailing opinion has been, however, to the effect that while such a measure would be meritorious and just, it is a matter more properly for consideration by the Legislature than for Constitutional enactment.

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Printed No. 675, by Mr. Tuck.

This proposed amendment contemplates compulsory military service. There has been a strong desire on the part of your Committee to devise and offer some affirmative suggestion designed to awaken a greater interest in military matters and to impress upon our community the necessity now so earnestly urged upon us from many quarters.

For example, it has been suggested that all males between the ages of eighteen and twenty-one, who receive scholarships from the Department of Education, should, in return, obligate themselves to devote an appropriate share of their time to military training.

Again, it has been suggested that in our Educational Article, a provision might wisely be inserted to the effect that our system of public education include some teaching in military science. This would have a marked effect upon the coming generation and, if carried into our evening schools, its influence would be felt upon many now available for military service.

All such suggestions, however, including the provision for compulsory military service would seem properly within the scope of legislation and it has been deemed unwise to embody any such mandatory provisions in the Constitution.

Printed No. 452, by Mr. Coles.
Printed No. 544, by Mr. Bayes.

Your Committee has been very earnestly requested to report one or the other of these proposed amendments, particularly in view of the fact that provisions of a similar nature are to be found in former Constitutions of this State.

Your Committee direct attention to the language of our present Constitution on this subject which recognizes "such exemptions as are now or may be hereafter created by the laws of the United States or by the Legislature of this State." The Military Law of this State specifically prescribes that all persons exempt from military service under the laws of the United States shall be exempt in this State. Congress has declared an express exemption in this regard by the Act of January 21, 1903. The exemption there provided, thus controls both the State Constitution and the State Military Law.

These proposed amendments have been under consideration by the Committee on Bill of Rights, as well as by your Committee on Militia and Military Affairs. Both Committees recognize and approve the underlying principle of religious toleration for which these amendments stand, but regard their enactment as unnecessary in view of the existing provisions of Constitutional and Statute Law above quoted.

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Printed No. 435, by Mr. Curran.

This bill has likewise been under consideration jointly by your Committee on Militia and Military Affairs, and your Committee on Bill of Rights. A difference of opinion has developed. While the Committee on Bill of Rights have reported this measure favorably with a slight change in phraseology, your Committee on Militia and Military Affairs disapprove the same. There are many civilians employed to accompany a military force. All such civilians are subject to Articles of War and regulations governing the military forces. They are triable by Courts Martial. To deny Military Courts this jurisdiction would substantially destroy discipline. This is true with reference to civilian teamsters, civilian clerks, civilian mechanics, civilian farriers, civilian hostlers and many others who are as much a part of the military force for the purpose of its mission as are the officers and soldiers who constitute its military personnel. There are many military offenses which do not constitute a crime under the provisions of our penal law, and it would be difficult to determine how such offenses could be dealt with, if the jurisdiction of disciplinary courts were removed.

Respectfully submitted,

ALMET R. LATSON,
Chairman.

The Convention resolved itself into a Committee of the Whole and proceeded to the consideration of the special order, being "Proposed constitutional amendment to amend Article III of the Constitution, in regard to the power of the Legislature to prohibit manufacturing in structures used for dwelling purposes" (No. 419, Int. No. 407).

After some time spent therein the President resumed the Chair and Mr. Sears from said committee reported in favor of the passage of the said proposed amendment with amendments, which report was agreed to and said proposition ordered reprinted as amended and to a third reading.

The Convention resolved itself into a Committee of the Whole and proceeded to the consideration of the special order, being "Proposed constitutional amendment to amend Sections eighteen and nineteen of Article I of the Constitution, in regard to damages for injuries causing death, laws for the protection of the lives, health or safety of employees, and workmen's compensation for injuries or death from accidents or occupational diseases" (No. 792, Int. No. 714).

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After some time spent therein the President resumed the Chair and Mr. Sears from said committee reported in favor of the passage of said Proposed amendment with amendments which report was agreed to and said proposition ordered reprinted as amended and to a third reading.

The Convention resolved itself into a Committee of the Whole and proceeded to the consideration of the special order, being "Proposed constitutional amendment to amend Sections one, two, three, four, five, seven, eight and nine of Article III of the Constitution, and to transfer Section six of Article X into Article III" (No. 836, Int. No. 722).

After some time spent therein the President resumed the Chair and Mr. Sears from said committee reported progress and asked leave to sit again.

Mr. President put the question on granting leave to sit again and it was determined in the affirmative.

Mr. Rodenbeck from the Committee on Revision and Engrossment, to which was referred the Proposed constitutional amendment introduced by the Committee on Legislative Powers (No. 861, Int. No. 696), entitled "Proposed constitutional amendment to amend, generally, Article III of the Constitution, following Section nine and to repeal Sections twenty-three and twenty-five of such article."

Also, the Proposed constitutional amendment introduced by Mr. Franchot (No. 860, Int. No. 131), entitled "Proposed constitutional amendment to amend Section eight, Article V of the Constitution, in order to permit the non-compulsory inspection and grading of food products," reports the same as examined, found correct and correctly engrossed.

ADOLPH J. RODENBECK,
Chairman.

which report was accepted and said Proposed amendment ordered placed on the third reading calendar.

Mr. Rodenbeck from the Committee on Revision and Engrossment to which was referred the Proposed constitutional amendment introduced by the Committee on Governor and Other State Officers (No. 863, Int. No. 716), entitled "Proposed constitutional amendment repealing Sections one, two, three, four, six and seven of Article V and creating a new Article V in relation to state officers."

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Also, the Proposed constitutional amendment introduced by the Committee on Cities (No. 862, Int. No. 713), entitled "Proposed constitutional amendment to amend Section ten of Article VIII of the Constitution, by dividing it into two sections to be known respectively as Sections ten and eleven, by amending the second part thereof, and by adding a new section to be known as Section twelve," reports the same as examined, found correct and properly engrossed.

ADOLPH J. RODENBECK,
Chairman.

which report was accepted and said Proposed amendments ordered placed on the third reading calendar.

The hour of five o'clock and thirty minutes P. M. having arrived, the President declared the Convention in recess until eight o'clock and thirty minutes P. M.

EIGHT O'CLOCK AND THIRTY MINUTES P. M.

The Convention again convened.

Upon the direction of the President, the Secretary called the roll of delegates and the following responded:

Adams	Deyo	Landreth	Olcott	Smith T F
Ahearn	Dick	Latson	Ostrander	Stanchfield
Aiken	Donnelly	Law	Parker	Standart
Allen F C	Donovan	Leary	Parmenter	Steinbrink
Angell	Dooling	Leggett	Parsons	Stimson
Austin	Doughty	Lennox	Pelletreau	Stowell
Baldwin	Dow	Lincoln	Phillips S K	Tierney
Bannister	Drummond	Linde	Potter	Tuck
Barnes	Dunlap	Lindsay	Quigg	Unger
Barrett	Dunmore	Low	Reeves	Vanderlyn
Baumes	Dykman	McKean	Rhees	Van Ness
Beach	Eggleston	McKinney	Richards	Wafer
Bell	Eisner	Mandeville	Rodenbeck	Wagner
Bernstein	Endres	Mann	Rosch	Ward
Berri	Eppig	Marshall	Ryan	Waterman
Betts	Fancher	Martin F	Ryder	Webber C A
Blauvelt	Fobes	Martin L M	Sanders	Weber R E
Bockes	Fogarty	Mathewson	Sargent	Weed
Brenner	Foley	Mealy	Saxe J G	Westwood
Bunce	Ford	Meigs	Saxe M	Wheeler
Buxbaum	Franchot	Mereness	Schurman	Whipple
Clearwater	Frank	Mulry	Sears	White C J

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Clinton	Green	Newburger	Sharpe	Wickersham
Cobb	Greff	Nicoll C	Sheehan	Wiggins
Coles	Griffin	Nicoll D	Shipman	Winslow
Cullinan	Haffen	Nixon	Slevin	Wood
Curran	Harawitz	Nye	Smith A E	Young C H
Dahm	Heaton	O'Brian J L	Smith E N	Young F L
Daly	Johnson	O'Brien M J	Smith R B	President
Dennis	Jones			147

Proposed amendment (No. 862, Int. No. 713), entitled "Proposed constitutional amendment to amend Section 10 of Article VIII of the Constitution, by dividing it into two sections to be known respectively as Sections ten and eleven, by amending the second part thereof, and by adding a new section to be known as Section twelve," was read the third time and passed, a majority of the delegates elected to the Convention voting in favor thereof.

Those who voted in the affirmative were:

Adams	Donnelly	Leary	Parker	Standart
Ahearn	Donovan	Leggett	Parmenter	Steinbrink
Aiken	Dooling	Lennox	Parsons	Stimson
Allen F C	Doughty	Lincoln	Pelletreau	Stowell
Angell	Dow	Linde	Phillips S K	Tierney
Austin	Drummond	Lindsay	Quigg	Tuck
Baldwin	Dunlap	Low	Reeves	Unger
Bannister	Dunmore	McKean	Rhees	Vanderlyn
Barnes	Dykman	McKinney	Richards	Van Ness
Barrett	Eggleston	Mandeville	Rodenbeck	Wadsworth
Baumes	Eisner	Mann	Rosch	Wafer
Beach	Endres	Marshall	Ryan	Wagner
Bell	Eppig	Martin F	Ryder	Ward
Bernstein	Fancher	Martin L M	Sanders	Waterman
Berri	Fobes	Mathewson	Sargent	Webber C A
Betts	Fogarty	Mealy	Saxe J G	Weber R E
Blauvelt	Foley	Meigs	Saxe M	Weed
Bockes	Ford	Mereness	Schurman	Westwood
Brenner	Gladding	Mulry	Sears	Wheeler
Bunce	Greff	Newburger	Sharpe	Whipple
Buxbaum	Griffin	Nicoll C	Sheehan	White C J
Clearwater	Haffen	Nicoll D	Shipman	Wickersham
Cobb	Harawitz	Nixon	Slevin	Wiggins
Cullinan	Heaton	Nye	Smith A E	Winslow
Curran	Johnson	O'Brian J L	Smith E N	Wood
Daly	Jones	O'Brien M J	Smith R B	Young C H
Dennis	Landreth	Olcott	Smith T F	Young F L
Deyo	Latson	Ostrander	Stanchfield	President
Dick	Law			142

Proposed amendment (No. 854, Int. No. 719) entitled "Proposed constitutional amendment to amend Section twenty of Article III of the Constitution, in relation to the appropriation of public moneys for construction purposes," was read the third time and passed, a majority of the delegates elected to the Convention voting in favor thereof.

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Those who voted in the affirmative were:

Adams	Dick	Latson	Owen	Stanchfield
Ahearn	Donnelly	Law	Parker	Standart
Aiken	Donovan	Leary	Parmenter	Steinbrink
Allen F C	Dooling	Leggett	Parsons	Stimson
Angell	Doughty	Leitner	Pelletreau	Stowell
Austin	Dow	Lennox	Phillips J S	Tierney
Baldwin	Drummond	Lincoln	Phillips S K	Tuck
Bannister	Dunlap	Linde	Potter	Unger
Barnes	Dunmore	Lindsay	Quigg	Vanderlyn
Barrett	Eggleston	Low	Reeves	Van Ness
Baumes	Eisner	McKean	Rhees	Wadsworth
Bayes	Endres	McKinney	Richards	Wafer
Beach	Eppig	Mandeville	Rodenbeck	Wagner
Bell	Fancher	Mann	Rosch	Ward
Bernstein	Fogarty	Martin F	Ryan	Waterman
Berri	Foley	Martin L M	Ryder	Webber C A
Betts	Ford	Marshall	Sanders	Weber R E
Blauvelt	Franchot	Mathewson	Sargent	Weed
Bockes	Frank	Mealy	Saxe J G	Westwood
Brenner	Gladding	Meigs	Saxe M	Wheeler
Bunce	Green	Mereness	Schurman	Whipple
Buxbaum	Greff	Mulry	Sears	White C J
Clearwater	Griffin	Newburger	Sharpe	Wickersham
Cobb	Haffen	Nicoll D	Shipman	Wiggins
Coles	Harawitz	Nixon	Slevin	Winslow
Curran	Heaton	Nye	Smith A E	Wood
Dahm	Johnson	O'Brian J L	Smith E N	Young C H
Daly	Jones	O'Brien M J	Smith R B	Young F L
Dennis	Landreth	Olcott	Smith T F	President
Deyo				146

Those who voted in the negative were:

Brackett	Ostrander	2

Proposed amendment (No. 855, Int. No. 715), entitled "Proposed constitutional amendment to amend Article XIV of the Constitution, in relation to future amendments and revisions of the Constitution, and permitting the validity of an election on a question submitted and the determination of the result of such an election to be contested by any elector in an action brought in the Supreme Court and by making provision with respect to questions coincidently submitted by a Convention and the Legislature," was read the third time and passed, a majority of the delegates elected to the Convention voting in favor thereof.

Those who voted in the affirmative were:

Adams	Dick	Landreth	Olcott	Stanchfield
Ahearn	Donnelly	Latson	Ostrander	Standart
Aiken	Donovan	Law	Owen	Steinbrink
Allen F C	Dooling	Leary	Parker	Stimson
Angell	Doughty	Leggett	Parmenter	Stowell
Austin	Dow	Lennox	Parsons	Tierney
Baldwin	Drummond	Lincoln	Pelletreau	Tuck

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Bannister	Dunlap	Linde	Phillips J S	Unger	
Barnes	Dunmore	Lindsay	Phillips S K	Vanderlyn	
Barrett	Dykman	Low	Quigg	Van Ness	
Baumes	Eggleston	McKean	Reeves	Wadsworth	
Bayes	Eisner	McKinney	Rhees	Wafer	
Beach	Endres	Mandeville	Richards	Wagner	
Bell	Eppig	Mann	Rodenbeck	Ward	
Bernstein	Fancher	Marshall	Rosch	Waterman	
Berri	Fogarty	Martin F	Ryan	Webber C A	
Betts	Foley	Martin L M	Ryder	Weber R E	
Blauvelt	Ford	Mathewson	Sanders	Weed	
Bockes	Franchot	Mealy	Sargent	Westwood	
Brenner	Frank	Meigs	Saxe J G	Wheeler	
Bunce	Gladding	Mereness	Saxe M	Whipple	
Buxbaum	Green	Mulry	Schurman	White C J	
Clearwater	Greff	Newburger	Sears	Wickersham	
Cobb	Griffin	Nicoll C	Sharpe	Wiggins	
Coles	Haffen	Nicoll D	Shipman	Winslow	
Curran	Harawitz	Nixon	Slevin	Wood	
Daly	Heaton	Nye	Smith E N	Young C H	
Dennis	Johnson	O'Brian J L	Smith R B	Young F L	
Deyo	Jones	O'Brien M J	Smith T F	President	145

Proposed amendment (No. 863, Int. No. 716), entitled "Proposed constitutional amendment repealing Sections one, two, three, four, six and seven of Article five, and creating a new Article V in relation to State officers," was read the third time and passed, a majority of the delegates elected to the Convention voting in favor thereof.

Those who voted in the affirmative were:

Adams	Dick	Leary	Parsons	Smith T F	
Aiken	Donnelly	Leggett	Pelletreau	Stanchfield	
Allen F C	Donovan	Lennox	Phillips J S	Standart	
Angell	Doughty	Lincoln	Phillips S K	Steinbrink	
Austin	Dow	Linde	Potter	Stimson	
Bannister	Dunlap	Lindsay	Reeves	Tuck	
Barnes	Dunmore	Low	Rhees	Unger	
Barrett	Dykman	McKean	Richards	Vanderlyn	
Baumes	Eggleston	McKinney	Rodenbeck	Van Ness	
Bayes	Eisner	Mandeville	Rosch	Wadsworth	
Beach	Fancher	Mann	Ryan	Wagner	
Bell	Fobes	Martin F	Ryder	Waterman	
Bernstein	Foley	Martin L M	Sanders	Webber C A	
Berri	Ford	Marshall	Sargent	Weber R E	
Blauvelt	Franchot	Mathewson	Saxe J G	Weed	
Brenner	Frank	Mealy	Saxe M	Westwood	
Buxbaum	Gladding	Meigs	Schoonhut	Wheeler	
Clearwater	Greff	Nicoll C	Schurman	Whipple	
Clinton	Hale	Nicoll D	Sears	White C J	
Cobb	Heaton	Nixon	Sharpe	Wickersham	
Coles	Johnson	O'Brian J L	Sheehan	Winslow	
Cullinan	Jones	O'Brien M J	Shipman	Wood	
Curran	Landreth	Olcott	Slevin	Young C H	
Dennis	Latson	Owen	Smith A E	Young F L	
Deyo	Law	Parmenter	Smith E N	President	125

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Those who voted in the negative were:

Ahearn	Dahm	Fogarty	Mulry	Smith R B	
Baldwin	Daly	Green	Newburger	Stowell	
Betts	Dooling	Griffin	Nye	Tierney	
Bockes	Drummond	Harawitz	Ostrander	Wafer	
Brackett	Endres	Kirby	Parker	Ward	
Bunce	Eppig	Mereness	Quigg	Wiggins	30

Proposed amendment (No. 853, Int. No. 721), entitled "Proposed constitutional amendment to amend Articles III and X of the Constitution, in relation to changes in the form of county government, and to the powers and duties of certain county, town and village officers," having been announced,

Mr. Rosch moved that the same be recommitted to the Committee on County, Town and Village Government with instructions to report the same forthwith amended as follows:

Strike out all italicized matter in lines 21 to 24 inclusive.

Mr. President put the question whether the Convention would agree to said motion, and it was determined in the negative.

Said Proposed amendment was then read the third time and passed, a majority of the delegates elected to the Convention voting in favor thereof.

Those who voted in the affirmative were:

Adams	Devo	Jones	Parsons	Standart	
Ahearn	Dick	Landreth	Pelletreau	Steinbrink	
Aiken	Donnelly	Latson	Phillips J S	Stimson	
Allen F C	Donovan	Law	Phillips S K	Stowell	
Angell	Dooling	Leary	Potter	Tierney	
Bannister	Doughty	Leggett	Quigg	Tuck	
Barrett	Dow	Lincoln	Reeves	Unger	
Baumes	Drummond	Linde	Rhees	Vanderlyn	
Bayes	Dunlap	Low	Rodenbeck	Van Ness	
Beach	Dunmore	McKean	Ryan	Wadsworth	
Bell	Dykman	Mandeville	Ryder	Wagner	
Bernstein	Eisner	Mann	Sanders	Ward	
Berri	Eppig	Martin F	Sargent	Webber C A	
Betts	Fancher	Martin L M	Schoonhut	Weber R E	
Blauvelt	Fobes	Marshall	Schurman	Weed	
Brenner	Fogarty	Mathewson	Sears	Westwood	
Buxbaum	Foley	Meigs	Sharpe	Wheeler	
Clearwater	Ford	Newburger	Sheehan	Whipple	
Clinton	Franchot	Nicoll D	Shipman	White C J	
Cobb	Frank	Nixon	Slevin	Wickersham	
Coles	Green	Nye	Smith A E	Winslow	
Cullinan	Griffin	O'Brian J L	Smith E N	Wood	
Curran	Haffen	Olcott	Smith R B	Young C H	
Dahm	Harawitz	Owen	Smith T F	Young F L	
Daly	Heaton	Parker	Stanchfield	President	
Dennis	Johnson	Parmenter			128

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Those who voted in the negative were:

Austin	Bunce	Greff	Lennox	Rosch
Barnes	Endres	Kirby	Lindsay	Saxe J G
Bockes				11

Proposed amendment (No. 861, Int. No. 696), entitled "Proposed constitutional amendment to amend, generally, Article III of the Constitution, following Section nine and to repeal Sections twenty-three and twenty-five of such Article,"

Was read the third time and passed, a majority of the delegates elected to the Convention voting in favor thereof.

Those who voted in the affirmative were:

Adams	Curran	Kirby	Parker	Smith R B
Ahearn	Dick	Landreth	Parmenter	Smith T F
Aiken	Donnelly	Latson	Parsons	Steinbrink
Allen F C	Dooling	Law	Pelletreau	Stimson
Angell	Doughty	Leary	Phillips J S	Stowell
Austin	Dow	Leggett	Phillips S K	Tuck
Bannister	Drummond	Lennox	Potter	Unger
Barnes	Dunmore	Lincoln	Reeves	Van Ness
Barrett	Eisner	Linde	Rhees	Wadsworth
Baumes	Endres	Lindsay	Rodenbeck	Wagner
Bayes	Eppig	Low	Rosch	Ward
Beach	Fancher	Mandeville	Ryan	Webber C A
Bell	Fobes	Mann	Ryder	Weed
Bernstein	Foley	Marshall	Sanders	Westwood
Berri	Ford	Martin F	Sargent	Wheeler
Betts	Franchot	Martin L M	Saxe J G	Whipple
Blauvelt	Frank	Mathewson	Schoonhut	White C J
Bockes	Green	Meigs	Schurman	Wickersham
Brenner	Greff	Newburger	Sears	Wiggins
Bunce	Haffen	Nicoll D	Sharpe	Winslow
Buxbaum	Hale	Nixon	Shipman	Wood
Clinton	Harawitz	Nye	Slevin	Young C H
Cobb	Heaton	O'Brian J L	Smith E N	Young F L
Coles	Johnson	O'Brien M J	Vanderlyn	President
Cullinan	Jones	Quigg		123

Mr. Rodenbeck, from the Committee on Revision and Engrossment, to which was referred the proposed constitutional amendment introduced by Mr. Parsons (No. 864, Int. No. 407), entitled "Proposed constitutional amendment to amend Article III of the Constitution, in relation to the power of the legislature to prohibit manufacturing in tenement houses."

Also, the proposed constitutional amendment introduced by the Committee on Industrial Interests and Relations (No. 865, Int. No. 714), entitled "Proposed constitutional amendment to amend Sections eighteen and nineteen of Article I of the Constitution,

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in regard to damages for injuries causing death, laws for the protection of the lives, health or safety of employees, and workmen's compensation for injuries or death from accidents or occupational diseases."

Reports the same as examined, found correct and properly engrossed.

ADOLPH J. RODENBECK,
Chairman.

Which report was accepted and said Proposed amendments ordered placed on the third reading calendar.

The hour of ten o'clock and thirty minutes P. M. having arrived, the President declared the Convention adjourned.

FRIDAY, SEPTEMBER 3, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. Edward R. James, Rensselaer.

On motion of Mr. Wickersham, the journal of Wednesday, September 1st, was approved.

Upon the direction of the President, the Secretary called the roll of delegates and the following responded:

Adams	Daly	Johnson	Ostrander	Smith T F
Aiken	Dennis	Jones	Owen	Standart
Angell	Deyo	Kirby	Parker	Steinbrink
Austin	Dick	Landreth	Parmenter	Stimson
Baldwin	Donovan	Latson	Parsons	Stowell
Bannister	Dooling	Law	Pelletreau	Tuck
Barrett	Doughty	Leary	Phillips S K	Vanderlyn
Baumes	Dow	Leggett	Potter	Van Ness
Bayes	Drummond	Lennox	Quigg	Wadsworth
Beach	Dunlap	Lincoln	Reeves	Wafer
Bell	Dunmore	Linde	Rhees	Ward
Bernstein	Dykman	Lindsay	Rodenbeck	Waterman
Berri	Eggleston	Low	Ryan	Webber C A
Betts	Endres	Mandeville	Ryder	Weber R E
Blauvelt	Fancher	Mann	Sanders	Weed
Bockes	Fobes	Martin L M	Sargent	Westwood
Brackett	Fogarty	Marshall	Saxe J G	Whipple
Brenner	Foley	Mathewson	Schoonhut	White C J
Bunce	Ford	Mealy	Schurman	Wickersham
Buxbaum	Franchot	Meigs	Sears	Wiggins
Byrne	Frank	Mereness	Sharpe	Williams
Clearwater	Greff	Newburger	Sheehan	Winslow
Clinton	Griffin	Nicoll C	Shipman	Wood
Cobb	Haffen	Nixon	Slevin	Young C H
Coles	Hale	Nye	Smith E N	Young F L
Cullinan	Heaton	O'Brian J L	Smith R B	President
Dahm	Hinman	O'Brien M J		

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The President presented the communication of Paul D. Cravath, which was referred to the Committee on Cities.

Mr. Foley offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Secretary of State be respectfully requested to transmit, at his earliest convenience, the results of the last enumeration taken in the months of May and June of the number of inhabitants of the State, by counties, and if said enumeration be not complete, that he be requested to transmit so much thereof as is now available.

Mr. President put the question whether the Convention would agree to said motion, and it was determined in the affirmative.

Mr. Wickersham offered for the consideration of the Convention a resolution, in the words following:

Resolved, That a special committee of seven (besides the President as member ex-officio) be appointed by the President to prepare and report to the Convention a draft of an address to the people respecting the proposed new Constitution and amendments.

Further resolved, That a select committee of five (besides the President as member ex-officio) be appointed by the President to prepare and report to the Convention a resolution fixing the time and manner of the submission of the proposed Constitution and amendments to the vote of the electors of the State.

Mr. President put the question whether the Convention would agree to said motion, and it was determined in the affirmative.

Mr. Clearwater offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Secretary of the Convention confer with and procure from the Secretary of State, and furnish to the members of the Convention, a suitable certificate of their election as delegates and that the expense of procuring and furnishing the same be paid from the moneys appropriated for the expenses of the Convention.

which was referred to the Committee on Contingent Expenses.

Mr. J. L. O'Brian, from the Committee on Rules, presented the following report:

Committee on Rules recommends the adoption of the following special rule:

Resolved, That the General Order No. 69, Canal Board, be made a Special Order for consideration immediately following the

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Special Order now pending, with a time limit of one-half hour, individual speeches ten minutes each.

Resolved, That the following matters be made Special Orders for consideration at the conclusion of the present calendar of Special Orders, namely:

General Order No. 60. Eligibility of sheriff and removal of county officers; time limit one hour, speeches of individual members ten minutes each.

General Order No. 68. Delegation of power to regulate height of buildings; time limit one hour, speeches of individual members ten minutes each.

Mr. President put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative.

On motion of Mr. Wickersham, the consideration of the third reading calendar was postponed until the afternoon session.

The Convention resolved itself into a Committee of the Whole and proceeded to the consideration of the special order, being "Proposed constitutional amendment to amend Sections one, two, three, four, five, seven, eight and nine of Article III of the Constitution, and to transfer Section six of Article X into Article III." (No. 836, Int. No. 722.)

After some time spent therein, the President resumed the chair, and Mr. Sears, from said committee, reported progress and asked leave to sit again with an extension of thirty minutes in the time for debate.

Mr. President put the question on granting leave to sit again and extending the time for debate, and it was determined in the affirmative.

The Convention thereupon again resolved itself into a Committee of the Whole and resumed consideration of said special order.

After some time spent therein the President resumed the chair and Mr. Sears from said committee reported in favor of the passage of said Proposed amendment with amendments.

Mr. President stated the question to be upon agreeing to the report of the Committee of the Whole.

Mr. Sheehan moved to recommit said proposed amendment to the Committee of the Whole with instructions to amend by in-

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serting therein the amendments offered in the Committee of the Whole by Mr. M. J. O'Brien to section four thereof.

Mr. President put the question whether the Convention would agree to said motion and it was determined in the negative.

Those who voted in the affirmative were:

Ahearn	Drummond	Griffin	Saxe J G	Stanchfield
Baldwin	Dykman	Haffen	Schoonhut	Unger
Bernstein	Eisner	Leary	Sheehan	Wafer
Byrne	Endres	Mann	Shipman	Wagner
Dahm	Eppig	Nicoll D	Slevin	Ward
Daly	Fogarty	O'Brien M J	Smith A E	Webber C A
Donnelly	Foley	Potter	Smith T F	Weed
Dooling	Frank	Ryan		38

Those who voted in the negative were:

Adams	Cullinan	Law	Owen	Smith R B
Aiken	Curran	Leggett	Parker	Standart
Angell	Deyo	Lennox	Parmenter	Steinbrink
Austin	Dick	Lincoln	Parsons	Stimson
Bannister	Doughty	Linde	Pelletreau	Stowell
Barrett	Dow	Lindsay	Phillips J S	Tierney
Baumes	Dunlap	Low	Phillips S K	Tuck
Bayes	Dunmore	McKinney	Reeves	Van Ness
Beach	Fancher	Mandeville	Rhees	Weber R E
Bell	Fobes	Martin L M	Rodenbeck	Westwood
Berri	Franchot	Marshall	Rosch	Wheeler
Bockes	Gladding	Mathewson	Ryder	White C J
Brenner	Hale	Mealy	Sanders	Wickersham
Bunce	Heaton	Meigs	Sargent	Winslow
Buxbaum	Johnson	Mereness	Schurman	Wood
Clearwater	Jones	Nixon	Sears	Young C H
Clinton	Landreth	Nye	Sharpe	Young F L
Cobb	Latson	O'Brian J L	Smith E N	President
Coles				91

Mr. President then put the question whether the Convention would agree to said report of the Committee of the Whole and it was determined in the affirmative and said proposition ordered reprinted as amended and to a third reading.

Mr. Wickersham presented the following communication:

STATE OF NEW YORK,
EXECUTIVE CHAMBER,
ALBANY, *September* 3, 1915.

HON. GEORGE W. WICKERSHAM,
Constitutional Convention,
Albany, N. Y.

DEAR MR. WICKERSHAM.— I understand that the Convention to-day is to pass upon the resolution offered by the committee on

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governor and state officers and that such resolution contains provision for the increase of the governor's salary from $10,000 to $20,000 said increase to take effect January 1, 1916.

While I believe that the proposed increase is right and in the public interest, it seems to me that the provision of the present constitution, to the effect that the salary of no state officer shall be increased during the term for which he is elected, is eminently proper, and I urge upon the convention that the proposed resolution shall be amended so as to provide that the increase in the salary of the governor shall become effective on January 1, 1917.

Very truly yours,

CHARLES S. WHITMAN.

On motion of Mr. Wickersham the Convention took a recess until three o'clock P. M.

THREE O'CLOCK P. M.

The Convention again convened.

Upon the direction of the President, the Secretary called the roll of delegates and the following responded:

Adams	Daly	Heaton	Nixon	Slevin
Aiken	Dennis	Johnson	Nye	Smith E N
Allen F C	Deyo	Jones	O'Brian J L	Smith R B
Angell	Dick	Kirby	O'Brien M J	Smith T F
Austin	Donnelly	Landreth	Ostrander	Standart
Baldwin	Doughty	Latson	Owen	Steinbrink
Bannister	Dow	Law	Parmenter	Stimson
Barnes	Drummond	Leary	Parsons	Stowell
Barrett	Dunlap	Leggett	Pelletreau	Tuck
Baumes	Dunmore	Lennox	Phillips S K	Van Ness
Bayes	Dykman	Lincoln	Potter	Wafer
Beach	Eggleston	Linde	Reeves	Wagner
Bell	Eisner	Lindsay	Rhees	Ward
Bernstein	Endres	Low	Richards	Waterman
Berri	Eppig	McKean	Rodenbeck	Webber C A
Betts	Fancher	Mandeville	Rosch	Weber R E
Blauvelt	Fogarty	Mann	Ryan	Weed
Bockes	Foley	Martin F	Ryder	White C J
Brenner	Ford	Martin L M	Sanders	Wickersham
Bunce	Franchot	Marshall	Sargent	Wiggins
Buxbaum	Frank	Mathewson	Saxe J G	Winslow
Byrne	Greff	Mealy	Schoonhut	Wood
Clinton	Griffin	Meigs	Schurman	Young C H
Coles	Haffen	Mereness	Sears	Young F L
Cullinan	Hale	Nicoll C	Sharpe	President
Dahm	Harawitz	Nicoll D	Shipman	

Proposed amendment (No. 856, Int. No. 706) entitled "Proposed constitutional amendment to amend Article V of the Con-

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stitution by adding a new section thereto relating to Public Service Commissions," having been announced, on motion of Mr. Hale the same was recommitted to the Committee on Public Utilities.

Proposed amendment (No. 858, Int. No. 702) entitled "Proposed constitutional amendment to amend sections one and four, Article IV of the Constitution," having been announced, Mr. Wickersham moved that the same be recommitted to the Committee on Governor and other State Officers with instructions to report the same forthwith amended as follows:

Page 1, line 10, before the words "The Governor" insert "from and after the first day of January, one thousand nine hundred and seventeen" and make capital "T" of the word "The" a small letter "t".

Mr. President put the question whether the Convention would agree to said motion and it was determined in the affirmative.

Mr. Rhees, from the Committee on Governor and Other State Officers, reported said bill amended as directed and the same was ordered reprinted and placed on the order of third reading.

On motion of Mr. Wickersham the further consideration of the third reading calendar was postponed until the evening session.

The Convention resolved itself into a Committee of the Whole and proceeded to the consideration of the special order being "Proposed constitutional amendment repealing section five of Article V and creating a new section to be appropriately numbered." (No. 857, Int. No. 725.)

After some time spent therein the President resumed the chair and Mr. Foley from said committee reported in favor of the passage of said proposed amendment, which report was agreed to and said proposition ordered to a third reading.

The Convention resolved itself into a Committee of the Whole and proceeded to the consideration of the special order being "Proposed constitutional amendment to amend Article I of the Constitution generally and to repeal section one of Article VII of the Constitution and to amend section nine of Article VIII of the Constitution." (No. 849, Int. No. 720.)

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After some time spent therein the President resumed the chair and Mr. Foley from said committee reported progress and asked leave to sit again.

Mr. President put the question on granting leave to sit again and it was determined in the affirmative.

On motion of Mr. Wickersham the time for the debate of General Order No. 63 was extended one hour, all speeches to be limited to five minutes each.

On motion of Mr. Wickersham the Convention took a recess until eight o'clock and thirty minutes P. M.

EIGHT O'CLOCK AND THIRTY MINUTES P. M.

The Convention again convened.

Upon the direction of the President the Secretary called the roll of delegates and the following responded.

Adams	Dick	Latson	Parmenter	Smith T F
Aiken	Donnelly	Law	Parsons	Standart
Angell	Dooling	Leary	Pelletreau	Steinbrink
Austin	Doughty	Leggett	Phillips J S	Stimson
Baldwin	Dow	Lennox	Phillips S K	Stowell
Bannister	Drummond	Lincoln	Potter	Tierney
Barnes	Dunlap	Linde	Quigg	Tuck
Barrett	Dunmore	Lindsay	Reeves	Unger
Baumes	Dykman	Low	Rhees	Vanderlyn
Bayes	Eisner	Mandeville	Richards	Van Ness
Beach	Endres	Mann	Rosch	Wafer
Bell	Fogarty	Marshall	Rodenbeck	Wagner
Bernstein	Foley	Martin F	Ryan	Ward
Berri	Ford	Martin L M	Ryder	Waterman
Betts	Franchot	Mathewson	Sanders	Webber C A
Blauvelt	Frank	Mealy	Sargent	Weber R E
Bockes	Gladding	Meigs	Saxe J G	Westwood
Brackett	Green	Mereness	Saxe M	Whipple
Brenner	Haffen	Nicoll C	Schoonhut	White C J
Burkan	Hale	Nixon	Schurman	Wickersham
Buxbaum	Harawitz	O'Brian J L	Sears	Wiggins
Byrne	Heaton	O'Brien M J	Sharpe	Williams
Coles	Johnson	O'Connor	Sheehan	Winslow
Cullinan	Jones	Olcott	Shipman	Wood
Curran	Kirby	Ostrander	Slevin	Young C H
Dahm	Kirk	Owen	Smith E N	Young F L
Daly	Landreth	Parker	Smith R B	President
Dennis				

Mr. Rodenbeck, from the Committee on Revision and Engrossment to which was referred the proposed constitutional amendment introduced by the Committee on Governor and Other State Officers

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(No. 857, Int. No. 725), entitled " Proposed constitutional amendment repealing Section five of Article V, and creating a new section to be appropriately numbered," reports the same as properly engrossed.

ADOLPH J. RODENBECK,
Chairman.

which report was accepted and said proposed amendment ordered placed on the third reading calendar.

Mr. Rodenbeck, from the Committee on Revision and Engrossment, to which was referred the proposed constitutional amendment introduced by the Committee on Governor and Other State Officers (No. 866, Int. No. 702), entitled "Proposed constitutional amendment to amend Sections one and four, Article IV of the Constitution," reports the same as examined, found correct and properly engrossed.

ADOLPH J. RODENBECK,
Chairman.

which report was accepted and said proposed amendment ordered placed on the third reading calendar.

Proposed amendment (No. 866, Int. No. 702), entitled " Proposed constitutional amendment to amend Sections one and four, Article IV of the Constitution," having been announced Mr. Wickersham moved that the same be recommitted to the Committee on Governor and Other State Officers with instructions to report the same forthwith amended as follows:

Page 2, lines 1 to 5 inclusive, strike out all italicized matter and insert in italics the following:

The Governor shall receive for his services an annual salary of ten thousand dollars until the first day of January, one thousand nine hundred and seventeen, after which he shall receive for his services an annual salary of twenty thousand dollars. There shall be provided for his use a suitable and furnished executive residence.

Mr. Quigg moved to amend said instructions by striking out the word " ten " and inserting in place thereof the word " twenty " and all matter following the word " dollars " first occurring down to and including word " dollars " second occurring.

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Mr. President put the question whether the Convention would agree to said motion to amend, and it was determined in the negative.

Mr. President put the question whether the Convention would agree to said motion, and it was determined in the affirmative.

Mr. Rhees, from the Committee on Governor and Other State Officers, reported Proposed amendment amended as directed and the same was ordered reprinted and placed on the order of third reading.

Proposed amendment (No. 860, Int. No. 131) entitled "Proposed constitutional amendment to amend Section eight, article V of the Constitution, in order to permit the non-compulsory inspection and grading of food products," having been announced, Mr. Leggett moved to recommit said bill to the Committee on Public Utilities.

Mr. President put the question whether the Convention would agree to said motion, and it was determined in the negative.

Mr. Austin moved that the same be recommitted to the Committee on Public Utilities with instructions to report the same forthwith amended as follows:

Page 2, line 3, strike out "inspection and".

Mr. President put the question whether the Convention would agree to said motion, and it was determined in the negative.

Said Proposed amendment was then read the third time and not passed, a majority of the delegates elected to the Convention not voting in favor thereof.

Those who voted in the affirmative were:

Adams	Curran	Johnson	Rhees	Stowell
Aiken	Dahm	Jones	Richards	Tuck
Angell	Daly	Kirby	Rodenbeck	Wafer
Baldwin	Dennis	Law	Ryan	Wagner
Barrett	Donovan	Lincoln	Sanders	Ward
Bayes	Dow	Lindsay	Sargent	Waterman
Beach	Dykman	Low	Saxe M	Webber C A
Bell	Eisner	McKinney	Schoonhut	Weber R E
Bernstein	Fancher	Mandeville	Sears	Weed
Berri	Fogarty	Mann	Smith A E	White C J
Blauvelt	Foley	Nicoll C	Smith E N	Wickersham
Brenner	Franchot	Nixon	Smith R B	Winslow
Burkan	Gladding	O'Brian J L	Smith T F	Wood
Buxbaum	Green	Ostrander	Standart	Young C H
Byrne	Griffin	Parmenter	Steinbrink	Young F L
Clearwater	Hale	Parsons	Stimson	President
Cullinan	Harawitz	Quigg		83

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Those who voted in the negative were:

Allen F C	Doughty	Landreth	Mereness	Ryder
Austin	Drummond	Latson	Nicoll D	Saxe J G
Bannister	Dunlap	Leary	O'Brien M J	Schurman
Barnes	Dunmore	Leggett	O'Connor	Sharpe
Baumes	Endres	Lennox	Owen	Slevin
Bunce	Eppig	Linde	Parker	Tierney
Clinton	Ford	Martin F	Pelletreau	Vanderlyn
Cobb	Frank	Martin L M	Phillips J S	Van Ness
Coles	Greff	Marshall	Phillips S K	Wheeler
Deyo	Haffen	Mathewson	Reeves	Wiggins
Donnelly	Heaton	Mealy	Rosch	Williams
Dooling	Kirk	Meigs		58

Mr. Rodenbeck, from the Committee on Revision and Engrossment, to which was referred the Proposed constitutional amendment, introduced by the Committee on Legislative Organization (No. 867, Int. No. 722), entitled "Proposed constitutional amendment to amend Sections two, three, four, five and eight of Article III of the Constitution, to repeal section seven thereof and to transfer Section six of Article X into Article III," reports the same as amended found correct and properly engrossed.

ADOLPH J. RODENBECK,
Chairman.

which report was accepted and said Proposed amendment ordered placed on the third reading calendar.

Proposed amendment (No. 864, Int. No. 407), entitled "Proposed constitutional amendment to amend Article III of the Constitution, in relation to the power of the Legislature to prohibit manufacturing in tenement houses," having been announced,

Mr. Sargent moved that the same be recommitted to the Committee on Industrial Relations with instructions to report the same forthwith amended as follows:

On line 5, after word "houses" add "as such houses are now defined by statute".

Mr. President put the question whether the Convention would agree to said motion, and it was determined in the negative.

Mr. Byrne moved that the same be recommitted to the Committee on Industrial Relations with instructions to report the same forthwith amended as follows:

Page 1, line 5, strike out the words "or prohibit".

Mr. President put the question whether the Convention would agree to said motion, and it was determined in the negative.

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Mr. Meigs moved that the same be recommitted to the Committee on Industrial Relations with instructions to report the same forthwith amended as follows:

On page 1, line 5, after the word " houses " strike out the period and add the words " cities of the first class ".

Mr. President put the question whether the Convention would agree to said motion, and it was determined in the negative.

Mr. Dick moved that the same be recommitted to the Committee on Industrial Relations with instructions to report the same forthwith amended as follows:

After the word " houses " in line 5, insert " in every city having a population of more than 1,000,000."

Mr. President put the question whether the Convention would agree to said motion, and it was determined in the negative.

Said proposed amendment was then read the third time and passed, a majority of the delegates elected to the Convention voting in favor thereof.

Those who voted in the affirmative were:

Adams	Donnelly	Johnson	Parmenter	Smith E N
Aiken	Donovan	Jones	Parsons	Smith R B
Allen F C	Dooling	Kirk	Pelletreau	Smith T F
Angell	Dow	Landreth	Phillips S K	Standart
Baldwin	Drummond	Latson	Quigg	Stimson
Bannister	Dykman	Law	Rhees	Tierney
Barrett	Eisner	Leary	Richards	Unger
Baumes	Endres	Lincoln	Rodenbeck	Vanderlyn
Bell	Eppig	Lindsay	Ryan	Wafer
Bernstein	Fancher	Low	Sanders	Wagner
Berri	Fogarty	McKinney	Sargent	Ward
Blauvelt	Foley	Mann	Saxe J G	Waterman
Brenner	Franchot	Martin F	Schoonhut	Weber R E
Burkan	Frank	Martin L M	Schurman	Weed
Buxbaum	Gladding	Nicoll C	Sears	Wickersham
Byrne	Green	Nixon	Sharpe	Williams
Clearwater	Griffin	O'Brian J L	Sheehan	Winslow
Coles	Haffen	O'Connor	Slevin	Young F L
Dahm	Hale	Ostrander	Smith A E	President
Daly	Harawitz	Parker		98

Those who voted in the negative were:

Austin	Dick	Kirby	Nicoll D	Tuck
Barnes	Doughty	Leggett	Owen	Van Ness
Bayes	Dunlap	Lennox	Phillips J S	Webber C A
Beach	Dunmore	Linde	Potter	Wheeler
Betts	Fobes	Marshall	Reeves	Whipple
Bockes	Ford	Mathewson	Rosch	White C J
Bunce	Greff	Mealey	Ryder	Wiggins
Clinton	Heaton	Meigs	Steinbrink	Wood
Cobb	Hinman	Mereness	Stowell	Young C H
Cullinan				46

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Proposed amendment (No. 865, Int. No. 714) entitled "Proposed constitutional amendment to amend Sections eighteen and nineteen of Article I of the Constitution, in regard to damages for injuries causing death, laws for the protection of the lives, health or safety of employees, and workmen's compensation for injuries or death from accidents or occupational diseases," was read the third time and passed, a majority of the delegates elected to the Convention voting in favor thereof.

Those who voted in the affirmative were:

Adams	Deyo	Haffen	O'Brian J L	Smith R B	
Aiken	Dick	Hale	O'Brien M J	Smith T F	
Allen F C	Donnelly	Harawitz	O'Connor	Standart	
Angell	Donovan	Heaton	Parmenter	Stimson	
Baldwin	Dooling	Johnson	Parsons	Stowell	
Bannister	Doughty	Jones	Pelletreau	Tuck	
Barrett	Dow	Kirk	Phillips J S	Unger	
Baumes	Drummond	Landreth	Phillips S K	Vanderlyn	
Bayes	Dunlap	Latson	Quigg	Van Ness	
Beach	Dunmore	Law	Reeves	Wafer	
Bell	Dykman	Leary	Rhees	Wagner	
Bernstein	Eisner	Lincoln	Richards	Ward	
Berri	Endres	Linde	Rodenbeck	Waterman	
Blauvelt	Eppig	Lindsay	Ryan	Webber C A	
Brenner	Fancher	Low	Ryder	Weber R E	
Burkan	Fobes	McKinney	Sanders	Weed	
Buxbaum	Fogarty	Mandeville	Sargent	Wheeler	
Byrne	Foley	Mann	Saxe J G	Whipple	
Clearwater	Ford	Martin F	Schoonhut	White C J	
Clinton	Franchot	Martin L M	Schurman	Wickersham	
Cobb	Frank	Mathewson	Sears	Williams	
Coles	Gladding	Mereness	Sharpe	Winslow	
Curran	Green	Nicoll C	Sheehan	Wood	
Dahm	Greff	Nicoll D	Slevin	Young F L	
Daly	Griffin	Nixon	Smith A E	President	125

Those who voted in the negative were:

Austin	Cullinan	Lennox	Meigs	Steinbrink	
Barnes	Hinman	Marshall	Ostrander	Wiggins	
Bockes	Kirby	Mealy	Rosch	Young C H	
Bunce	Leggett				17

Proposed amendment (No. 867, Int. No. 722) entitled "Proposed constitutional amendment to amend sections one, two, three, four, five, seven, eight and nine of Article III of the Constitution, and to transfer sections of Article X into Article III," having been announced,

Mr. E. N. Smith moved that the same be recommitted to the Committee on Legislative Organization with instructions to report the same forthwith amended as follows:

Page 12, line 14, strike out the period and the italicized matter.

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Page 12, line 15, strike out the italicized matter and the period and the brackets.

Page 12, line 20, strike out the italicized matter.

Page 12, line 21, strike out down to and including the period.

Page 12, lines 24 and 25, strike out "assembly districts re-apportioned as herein provided" and insert in italics "apportionment of members of Assembly".

Page 12, line 26, strike out the word "re-apportionment" and insert the word "apportionment".

Page 16, line 7, change the comma after "made" to a period.

Page 17, between lines 8 and 9 insert as a paragraph in italics the following: "Assembly districts as at present constituted shall remain unaltered until altered as herein provided."

Page 10, line 25, strike out "each" insert "the", strike out "the" second occurring insert "each".

Mr. President put the question whether the Convention would agree to said motion, and it was determined in the affirmative.

Mr. Brackett, from the Committee on Legislative Organization, reported said proposed amendment amended as directed and the same was ordered reprinted and placed on the order of third reading.

Proposed amendment (No. 857, Int. No. 725), entitled "Proposed constitutional amendment repealing section five of Article V and creating a new section to be appropriately numbered," was read the third time and passed, a majority of the delegates elected to the Convention voting in favor thereof.

Those who voted in the affirmative were:

Adams	Deyo	Johnson	O'Brian J L	Steinbrink
Aiken	Dick	Jones	O'Connor	Stimson
Allen F C	Donovan	Kirk	Ostrander	Stowell
Angell	Dooling	Landreth	Parmenter	Tierney
Austin	Doughty	Lateon	Parsons	Tuck
Baldwin	Dow	Law	Pelletreau	Unger
Bannister	Drummond	Leary	Phillips J S	Vanderlyn
Barrett	Dunlap	Leggett	Quigg	Van Ness
Baumes	Dunmore	Lennox	Reeves	Wafer
Bayes	Eisner	Lincoln	Rhees	Wagner
Beach	Endres	Linde	Rodenbeck	Ward
Bell	Eppig	Lindsay	Rosch	Waterman
Bernstein	Fancher	Low	Ryan	Webber C A
Berri	Fobes	McKinney	Ryder	Weber R E
Blauvelt	Fogarty	Mandeville	Sanders	Weed
Bockes	Foley	Mann	Sargent	Wheeler
Brenner	Ford	Martin F	Saxe J G	Whipple
Bunce	Franchot	Martin L M	Schoonhut	White C J
Burkan	Frank	Marshall	Schurman	Wickersham

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Buxbaum	Green	Mathewson	Sears	Williams
Clearwater	Greff	Mealy	Sharpe	Winslow
Cobb	Griffin	Meigs	Slevin	Wood
Coles	Haffen	Mereness	Smith A E	Young C H
Cullinan	Hale	Nicoll C	Smith E N	Young F L
Dahm	Harawitz	Nicoll D	Smith R B	President
Daly	Heaton	Nixon	Standart	129

Mr. Wickersham offered for the consideration of the Convention a resolution, in the words following:

Resolved, That when the Convention adjourns to-morrow, Saturday, it shall adjourn until Thursday, September 9th, at eight o'clock P. M.

Mr. John Lord O'Brian for the Committee on Rules gives notice that on Saturday, September 4th, for the purpose of expediting consideration and passage of proposed amendments now on the third reading and special order calendars for the Convention, he will move to suspend rule 3 relating to order of business.

Rule 36 relating to third reading.

Rule 35 relating to reports of Committees on Revision, Printing and Engrossment of Proposed Amendments.

Rule 50, paragraph 1, relating to consideration of resolutions.

Rule 56, third sentence, relating to reports of the Committee on Rules.

Mr. A. E. Smith gives notice under rule 56 that at some future time he will move to suspend rules Nos. 3, 16, 20, 21, 22, 24, 25, 27, 32, 34, 35, 36, and 37 for the purpose of advancing out of their regular order to third reading and adoption proposals Nos. 417, 765, and 791, general orders 36 and 55 and 56, respectively.

Mr. Wickersham offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Revision and Engrossment be and hereby is instructed to proceed with the duties defined for it by rule 67.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

On motion of Mr. Wickersham the Convention adjourned.

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SATURDAY, SEPTEMBER 4, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. Francis A. Kelley.

On motion of Mr. Wickersham, the journal of Thursday, September 2d, was approved.

Upon the direction of the President, the Secretary called the roll of delegates and the following responded:

Adams	Dennis	Johnson	O'Brian J L	Shipman
Aiken	Deyo	Jones	O'Brien M J	Slevin
Angell	Dick	Kirby	O'Connor	Smith E N
Austin	Donnelly	Landreth	Olcott	Smith R B
Baldwin	Dooling	Latson	Ostrander	Standart
Bannister	Doughty	Law	Owen	Steinbrink
Barrett	Dow	Leary	Parker	Stimson
Baumes	Drummond	Leggett	Parmenter	Stowell
Bayes	Dunlap	Lennox	Parsons	Tierney
Beach	Dunmore	Lincoln	Pelletreau	Tuck
Bell	Dykman	Linde	Phillips J S	Unger
Bernstein	Eisner	Lindsay	Quigg	Van Ness
Berri	Endres	Low	Reeves	Wafer
Betts	Eppig	McKean	Rhees	Wagner
Blauvelt	Fancher	McKinney	Richards	Ward
Brackett	Fobes	Mandeville	Rodenbeck	Webber C A
Brenner	Fogarty	Marshall	Rosch	Weber R E
Bunce	Foley	Martin F	Ryder	Weed
Burkan	Ford	Martin L M	Sanders	Westwood
Byrne	Franchot	Mathewson	Sargent	White C J
Clearwater	Frank	Meigs	Saxe J G	Wickersham
Clinton	Gladding	Mereness	Saxe M	Williams
Cobb	Greff	Nicoll C	Schurman	Winslow
Coles	Griffin	Nicoll D	Sears	Wood
Curran	Haffen	Nixon	Sharpe	Young C H
Dahm	Harawitz	Nye	Sheehan	President
Daly	Heaton			

Mr. Clearwater offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the proposed constitutional amendment, introduced by the Committee on Taxation, including Nos. 696, 756, 806, 812, 834, being Int. No. 679 and hereto annexed, be separately submitted to the people.

which was referred to the Committee on Special Committee.

Mr. Olcott moved to instruct the Committee on Rules to report as a special order the report of the Committee on Civil Service on proposed amendment entitled Proposed constitutional amendment to amend Section nine of Article V of the Constitution, in respect to appointments and promotions in the civil service of

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the State so as to include honorably discharged soldiers, sailors or marines who served during the war with Spain or the insurrection in the Philippine Islands, in the preference in the civil service of the State" (No. 29, Int. 29), which was referred to the Committee on Rules.

Mr. J. S. Phillips offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the clerks of the standing committees of the Convention be and they hereby are directed on or before the day of final adjournment to deliver to the clerk of the Committee on Library and Information all committee books and records, and the Committee on Library and Information is instructed to provide for the permanent deposit of the same in the State Library.

That the Superintendent of Documents be and he hereby is directed, on or before the expiration of the period of thirty days, from the date of final adjournment, to deliver to the director of the State Library for deposit in the State Library, all copies of the record, journals, proposed amendments, documents and other papers pertaining to the Convention remaining in his possession.

Mr. President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. Rodenbeck offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Committee on Revision and Engrossment be authorized to cause to be accurately printed and suitably bound an official draft of the present state constitution with all amendments thereto, properly inserted, adopted by the Convention, for authentication and deposit as the Convention may provide and report the same to the Convention upon reconvening, and that not exceeding three hundred additional copies be printed and suitably bound, one copy for distribution to each of the members of the Convention and the remaining copies for distribution to libraries and as the President of the Convention may direct.

which was referred to the Committee on Printing.

Pursuant to notice, Mr. J. L. O'Brian moved to suspend the third sentence of Rule 56, relating to reports of the Committee on Rules.

Mr. President put the question whether the Convention would agree to said motion, and it was determined in the affirmative.

Mr. Rodenbeck, from the Committee on Revision and Engrossment, to which was referred the proposed constitutional amend-

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ment introduced by the Committee on Governor and Other State Officers (No. 868, Int. No. 702), entitled "Proposed Constitutional amendment to amend sections two, three, four, five and eight of Article III of the Constitution, to repeal Section seven thereof and to transfer Section six of Article X into Article III," reports the same as examined, found correct and properly engrossed.

ADOLPH J. RODENBECK,
Chairman.

which report was accepted and said proposed amendment ordered placed on the third reading calendar.

Mr. Rodenbeck, from the Committee on Revision and Engrossment, to which was referred the proposed constitutional amendment introduced by the Committee on Legislative Organization (No. 869, Int. No. 722), entitled "Proposed constitutional amendment to amend sections two, three, four, five and eight of Article III of the Constitution, to repeal Section seven thereof and to transfer Section six of Article X into Article III," reports the same as examined, found correct and properly engrossed.

ADOLPH J. RODENBECK,
Chairman.

which report was accepted and said proposed amendment ordered placed on the third reading calendar.

Proposed amendment (No. 868, Int. No. 702) entitled "Proposed constitutional amendment to amend Sections one and four, Article IV of the Constitution," was read the third time and passed, a majority of the delegates elected to the Convention voting in favor thereof.

Those who voted in the affirmative were:

Adams	Devo	Johnson	O'Connor	Smith R B
Aiken	Dick	Jones	Olcott	Standart
Angell	Donnelly	Kirby	Owen	Steinbrink
Austin	Donovan	Kirk	Parker	Stimson
Baldwin	Dooling	Landreth	Parmenter	Stowell
Bannister	Doughty	Latson	Parsons	Tierney
Barrett	Dow	Law	Pelletreau	Unger
Baumes	Drummond	Leary	Phillips J S	Van Ness
Bayes	Dunlap	Leggett	Quigg	Wafer
Beach	Dunmore	Lennox	Reeves	Wagner
Bell	Dykman	Lincoln	Rhees	Ward
Bernstein	Eppig	Linde	Rodenbeck	Waterman
Berri	Fancher	Lindsay	Rosch	Webber C A

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Betts	Fobes	Low	Ryan	Weber R E	
Blauvelt	Fogarty	McKean	Ryder	Weed	
Bockes	Foley	McKinney	Sanders	Westwood	
Brenner	Ford	Mandeville	Sargent	Wheeler	
Burkan	Franchot	Marshall	Saxe J G	Whipple	
Buxbaum	Frank	Martin F	Schoonhut	White C J	
Byrne	Gladding	Martin L M	Schurman	Wickersham	
Clearwater	Green	Mathewson	Sears	Wiggins	
Clinton	Greff	Meigs	Sharpe	Williams	
Coles	Griffin	Nicoll D	Sheehan	Winslow	
Curran	Haffen	Nixon	Shipman	Wood	
Dahm	Hale	Nye	Slevin	Young C H	
Daly	Harawitz	O'Brian J L	Smith A E	President	
Dennis	Heaton	O'Brien M J	Smith E N		134

Those who voted in the negative were:

Barnes	Brackett	Bunce	Endres	Ostrander	5

Proposed amendment (No. 869, Int. No. 722) entitled "Proposed constitutional amendment to amend Sections one, two, three, four, five, seven, eight and nine of Article III of the Constitution, and to transfer Section six of Article X into Article III," was read the third time and passed, a majority of the delegates elected to the Convention voting in favor thereof.

Those who voted in the affirmative were:

Adams	Curran	Kirby	O'Brian J L	Standart	
Aiken	Dennis	Landreth	Olcott	Steinbrink	
Angell	Deyo	Latson	Parker	Stimson	
Austin	Dick	Law	Parmenter	Tierney	
Bannister	Doughty	Leggett	Parsons	Tuck	
Barnes	Dow	Lennox	Pelletreau	Vanderlyn	
Barrett	Dunlap	Lincoln	Phillips J S	Van Ness	
Baumes	Dunmore	Linde	Quigg	Waterman	
Bayes	Fancher	Lindsay	Reeves	Weber R E	
Beach	Fobes	Low	Rhees	Westwood	
Bell	Ford	McKean	Rodenbeck	Wheeler	
Berri	Franchot	McKinney	Rosch	Whipple	
Betts	Gladding	Mandeville	Ryder	White C J	
Bockes	Green	Marshall	Sanders	Wickersham	
Brenner	Greff	Martin L M	Sargent	Wiggins	
Buxbaum	Haffen	Mathewson	Saxe M	Williams	
Clearwater	Hale	Meigs	Schurman	Winslow	
Clinton	Heaton	Mereness	Sears	Wood	
Cobb	Hinman	Nicoll C	Sharpe	Young C H	
Coles	Johnson	Nixon	Smith E N	President	
Cullinan	Jones	Nye			103

Those who voted in the negative were:

Baldwin	Donovan	Griffin	Ostrander	Smith A E	
Bernstein	Dooling	Harawitz	Potter	Stowell	
Blauvelt	Drummond	Kirk	Richards	Unger	
Bunce	Dykman	Leary	Ryan	Wafer	
Burkan	Endres	Mann	Saxe J G	Wagner	
Byrne	Eppig	Martin F	Sheehan	Ward	
Dahm	Fogarty	Nicoll D	Shipman	Webber C A	
Daly	Foley	O'Brien M J	Slevin	Weed	
Donnelly	Frank	O'Connor			43

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When Mr. Brackett's name was called he asked to be and was excused from voting.

When Mr. R. B. Smith's name was called he asked to be and was excused from voting.

On motion of Mr. Wickersham, the further consideration of bills on the order of third reading was postponed until the afternoon session.

The Convention resolved itself into a Committee of the Whole and resumed the consideration of the special order, being "Proposed constitutional amendment to amend Article I of the Constitution, generally, and to repeal Section one of Article VII of the Constitution and to amend Section nine of Article VIII of the Constitution." (No. 849, Int. No. 720.)

After some time spent therein the President resumed the chair, and Mr. D. Nicoll, from said committee, reported progress and asked leave to sit again with an extension of time of one hour for debate.

Mr. President put the question on granting leave to sit again and extending the time for debate, and it was determined in the affirmative.

The Convention thereupon again resolved itself into a Committee of the Whole and resumed consideration of said special order.

After some time spent therein, the President resumed the chair, and Mr. D. Nicoll, from said committee, reported progress and asked leave to sit again.

Mr. President put the question on granting leave to sit again, and it was determined in the affirmative.

The hour of one o'clock P. M. having arrived the President declared the Convention in recess until two o'clock and thirty minutes P. M.

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TWO O'CLOCK AND THIRTY MINUTES P. M.

The Convention again convened. Upon direction of the President the Secretary called the roll of delegates and the following responded:

Adams	Daly	Latson	O'Connor	Smith A E
Aiken	Dennis	Law	Olcott	Smith E N
Angell	Deyo	Leary	Ostrander	Smith R B
Austin	Dick	Leggett	Owen	Standart
Baldwin	Donnelly	Lennox	Parker	Steinbrink
Bannister	Donovan	Lincoln	Parmenter	Stimson
Barnes	Dooling	Linde	Parsons	Stowell
Barrett	Doughty	Lindsay	Pelletreau	Tierney
Baumes	Dow	Low	Phillips J S	Unger
Bayes	Dunlap	McKean	Potter	Van Ness
Beach	Dunmore	McKinney	Quigg	Wafer
Bell	Dykman	Mandeville	Reeves	Wagner
Bernstein	Eisner	Mann	Rhees	Ward
Berri	Fancher	Martin F	Richards	Waterman
Betts	Fobes	Martin L M	Rodenbeck	Webber C A
Blauvelt	Foley	Marshall	Rosch	Weed
Bockes	Franchot	Mathewson	Ryder	Westwood
Brackett	Gladding	Mealey	Sanders	Wheeler
Burkan	Griffin	Meigs	Sargent	Whipple
Buxbaum	Haffen	Mereness	Saxe J G	White C J
Byrne	Hale	Newburger	Schoonhut	Wickersham
Clearwater	Harawitz	Nicoll C	Schurman	Wiggins
Clinton	Heaton	Nicoll D	Sears	Williams
Cobb	Johnson	Nixon	Sharpe	Winslow
Coles	Kirby	Nye	Sheehan	Wood
Cullinan	Kirk	O'Brian J L	Shipman	Young C H
Curran	Landreth	O'Brien M J	Slevin	President
Dahm				

Mr. Berri, from the Committee on Printing, to which was referred the resolution relative to printing an official draft of the Constitution, reported in favor of the adoption of the following resolution:

Resolved, That the Committee on Revision and Engrossment be authorized to cause to be accurately printed and suitably bound an official draft of the present State Constitution with all amendments thereto properly inserted adopted by the Convention, for authentication and deposit as the Convention may provide and report the same to the Convention upon reconvening and that not exceeding three hundred additional copies be printed and suitably bound, one copy for distribution to each of the members of the Convention and the remaining copies for distribution to libraries and as the President of the Convention may direct.

Mr. President put the question whether the Convention would agree to said report and resolution and it was determined in the affirmative.

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Mr. J. L. O'Brian from the Committee on Rules presented the following report.

The Committee on Rules recommends the adoption of the following:

Resolved, That the Convention adjourn to-day at ten o'clock P. M.

Mr. Sheehan moved to amend said resolution by striking out "ten o'clock" and inserting "seven o'clock".

Mr. President put the question whether the Convention would agree to said motion to amend and it was determined in the affirmative.

Mr. President put the question whether the Convention would agree to said resolution as amended and it was determined in the affirmative.

In reply to the inquiry of Mr. Olcott concerning what action the rules committee had taken upon his motion to instruct the Committee on Rules to report as a special proposed amendment, No. 29, Int. No. 29, Mr. J. L. O'Brian from the Committee on Rules made the following statement:

The Committee on Rules was of the opinion that the only action which it could properly take with reference to the Committee on Civil Service would be to add it at the end of the present calendar of special orders. In view of the early hour this evening fixed for adjournment this report certainly could not be reached for consideration if it were so designated as a special order. The committee for this reason has taken no action in the matter.

Mr. Olcott moved to disagree with the report of the Committee on Rules.

Mr. President put the question whether the Convention would agree to said motion and it was determined in the affirmative.

Those who voted in the affirmative were:

Adams	Deyo	Latson	Ostrander	Standart
Angell	Donnelly	Leary	Owen	Stowell
Baumes	Dunlap	Lincoln	Parker	Tierney
Bayes	Dunmore	Linde	Potter	Tuck
Beach	Eisner	McKean	Reeves	Unger
Berri	Eppig	Mandeville	Richards	Vanderlyn
Brackett	Fancher	Mann	Rodenbeck	Wafer
Burkan	Fogarty	Martin F	Rosch	Wagner
Byrne	Griffin	Martin L M	Ryan	Ward
Cobb	Haffen	Nixon	Sargent	Webber C A
Coles	Harawitz	Nye	Schoonhut	Weed
Cullinan	Heaton	O'Brien M J	Shipman	Westwood
Dahm	Johnson	O'Connor	Slevin	Whipple
Daly	Kirk	Olcott	Smith R B	Wiggins
Dennis	Landreth			

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Those who voted in the negative were:

Aiken	Curran	Leggett	Parsons	Steinbrink
Austin	Dick	Lennox	Pelletreau	Stimson
Baldwin	Doughty	Low	Phillips J S	Van Ness
Bannister	Dow	McKinney	Quigg	Waterman
Barnes	Dykman	Marshall	Rhees	Wheeler
Barrett	Fobes	Mealy	Ryder	White C J
Bell	Ford	Meigs	Sanders	Wickersham
Bernstein	Franchot	Mereness	Saxe M	Williams
Betts	Gladding	Nicoll C	Sears	Winslow
Blauvelt	Hale	Nicoll D	Sharpe	Wood
Bockes	Kirby	O'Brian J L	Sheehan	Young C H
Buxbaum	Law	Parmenter	Smith E N	President
Clearwater				61

On motion of Mr. Wickersham, the consideration of the third reading calendar was postponed until after the completion of the work of the Committee of the Whole.

On motion of Mr. Wickersham, the time for debate of General Order No. 63 was extended one hour, subject to the five minute rule for individual speeches.

The Convention then resolved itself into a Committee of the Whole and resumed consideration of the special order, being "Proposed constitutional amendment to amend Article I of the Constitution, generally and to repeal Section one of Article VII of the Constitution and to amend Section nine of Article VIII of the Constitution." (No. 849, Int. No. 720.)

After some time spent therein the President resumed the chair and Mr. D. Nicoll from said committee reported in favor of the passage of said Proposed amendment with amendments, which report was agreed to and said proposition ordered reprinted as amended and to a third reading.

Mr. Wickersham moved that the Convention resolve itself into a Committee of the Whole and proceed with the consideration of special orders until such time as the Committee on Revision and Engrossment is prepared to submit its report on Proposed amendment No. 849, Int. No. 720.

The Convention thereupon resolved itself into a Committee of the Whole and proceeded to the consideration of the special order, being "Proposed constitutional amendment to amend Article III

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of the Constitution in relation to living wages to be paid to women and children." (No. 791, Int. No. 193.)

After some time spent therein the President resumed the chair and Mr. D. Nicoll reported progress and asked leave to sit again and until the report of the Committee on Revision.

Mr. President put the question on granting leave to sit again and it was determined in the affirmative.

The Convention thereupon again resolved itself into a Committee of the Whole and resumed the consideration of said special order.

After some time spent therein the President resumed the Chair and Mr. D. Nicoll from said committee reported progress and asked leave to sit again.

Mr. President put the question on granting leave to sit again and it was determined in the affirmative.

Mr. Rodenbeck, from the Committee on Revision and Engrossment, to which was referred the proposed constitutional amendment introduced by Committee on Bill of Rights (No. 870, Int. No. 729), entitled "Proposed constitutional amendment to amend Sections six and seven of Article I of the Constitution, generally," reports the same as examined found correct and correctly engrossed.

ADOLPH J. RODENBECK,
Chairman.

which report was accepted and said proposed amendment ordered placed on the third reading calendar.

Proposed amendment (No. 870, Int. No. 720), entitled "Proposed constitutional amendment to amend Sections six and seven of Article I of the Constitution, generally," was read the third time and passed, a majority of the delegates elected to the Convention voting in favor thereof.

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Those who voted in the affirmative were:

Adams	Daly	Landreth	Olcott	Standart	
Aiken	Dennis	Latson	Ostrander	Steinbrink	
Allen F C	Deyo	Law	Owen	Stimson	
Angell	Dick	Leggett	Parsons	Stowell	
Austin	Donnelly	Lennox	Pelletreau	Tierney	
Baldwin	Donovan	Lincoln	Phillips J S	Tuck	
Bannister	Doughty	Linde	Potter	Unger	
Barnes	Dow	Lindsay	Quigg	Vanderlyn	
Barrett	Dunlap	Low	Reeves	Van Ness	
Baumes	Dunmore	McKean	Rhees	Wafer	
Bayes	Eppig	McKinney	Rodenbeck	Wagner	
Beach	Fancher	Mandeville	Rosch	Ward	
Bell	Fobes	Mann	Ryan	Waterman	
Berri	Foley	Martin F	Ryder	Webber C A	
Betts	Ford	Martin L M	Sanders	Weber R E	
Blauvelt	Franchot	Marshall	Sargent	Weed	
Brackett	Gladding	Mathewson	Saxe J G	Westwood	
Bunce	Green	Mealy	Saxe M	Whipple	
Burkan	Greff	Meigs	Schoonhut	White C J	
Buxbaum	Haffen	Mereness	Sears	Wickersham	
Byrne	Hale	Nicoll C	Sharpe	Wiggins	
Clearwater	Harawitz	Nicoll D	Sheehan	Williams	
Clinton	Heaton	Nixon	Shipman	Winslow	
Cobb	Johnson	Nye	Smith A E	Wood	
Coles	Kirby	O'Brian J L	Smith E N	Young C H	
Cullinan	Kirk	O'Brien M J	Smith R B	President	130

Those who voted in the negative were:

Bockes	Dahm	O'Connor	3

Under the resolution for the appointment of a select committee of five, besides the President, to prepare and report to the Convention the time and manner of the submission of the proposed constitutional amendments, etc., the President announces the appointment of the following: Messrs. Parsons (Chairman), Brenner, F. L. Young, Cobb and D. Nicoll.

Under the resolution for the appointment of a special committee of seven to prepare and report to the Convention a draft of an address to the people, the Chair announces the appointment of the following: Messrs. Wickersham (Chairman), Clearwater, Schurman, Low, Hale, M. J. O'Brien and A. E. Smith.

On motion of Mr. Wickersham the Convention adjourned.

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THURSDAY, SEPTEMBER 9, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Rev. J. Addison Jones.

On motion of Mr. Wickersham, the journal of Friday, September 3rd, was approved.

Upon the direction of the President the Secretary called the roll of delegates, and the following responded:

Adams	Curran	Jones	O'Connor	Smith R B
Ahearn	Dahm	Kirby	Olcott	Smith T F
Aiken	Daly	Kirk	Ostrander	Standart
Allen F C	Dennis	Landreth	Parker	Steinbrink
Angell	Deyo	Latson	Parsons	Stimson
Austin	Dick	Leary	Pelletreau	Stowell
Baldwin	Donnelly	Leggett	Phillips S K	Tuck
Bannister	Donovan	Lennox	Quigg	Unger
Barnes	Doughty	Lincoln	Reeves	Vanderlyn
Barrett	Dunmore	Linde	Rhees	Van Ness
Bayes	Dykman	Lindsay	Richards	Wadsworth
Beach	Endres	Low	Rodenbeck	Ward
Bell	Eppig	McKean	Rosch	Waterman
Bernstein	Fancher	McKinney	Ryan	Webber C A
Berri	Fobes	McLean	Ryder	Weed
Betts	Foley	Mandeville	Sanders	Westwood
Blauvelt	Ford	Marshall	Sargent	Whipple
Bockes	Franchot	Martin F	Saxe J G	White C J
Brenner	Frank	Martin L M	Saxe M	Wickersham
Bunce	Gladding	Mathewson	Schoonhut	Wiggins
Burkan	Green	Mealey	Schurman	Williams
Byrne	Greff	Meigs	Sears	Winslow
Clearwater	Griffin	Mereness	Sharpe	Wood
Clinton	Haffen	Nicoll D	Sheehan	Young C H
Cobb	Hale	Nixon	Slevin	Young F L
Coles	Heaton	O'Brian J L	Smith A E	President
Cullinan	Heyman	O'Brien M J	Smith E N	

Mr. Rodenbeck, from the Committee on Revision and Engrossment, presented the following report:

REPORT OF COMMITTEE ON REVISION AND ENGROSSMENT, PURSUANT TO THE RULES OF THE CONVENTION AND RESOLUTIONS ADOPTED SEPTEMBER 4, 1915, PRESENTING THE PRESENT CONSTITUTION OF THE STATE WITH THE AMENDMENTS THERETO ADOPTED BY THE CONVENTION, PROPERLY INSERTED, WITH SUCH CHANGES AS THE COMMITTEE DEEMED IT ADVISABLE TO INCORPORATE THEREIN

To the Convention:

Since the recess of the convention on September fourth the Committee on Revision and Engrossment has been engaged in

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preparing a draft of the present constitution of the state and in inserting therein the amendments adopted by this convention.

The draft prepared by the committee has been compared with the original draft of the constitution of 1894 on deposit in the state library and with the engrossed copies of the amendments signed by the president of this convention.

Upon this draft as a basis the committee has proceeded to make such changes as were necessary to incorporate the amendments adopted by this convention and to make such alterations as were necessary to make the language of the constitution consistent and uniform.

The committee found that the constitution of 1894, as adopted, abounded in the use of capitals, while the amendments made thereto during the past twenty years are almost entirely devoid of capitals.

The committee has adopted the style of the amendments made to the constitution since 1894 as the more modern method of capitalization and has made the capitalization throughout the constitution uniform.

As this change can not possibly affect the substance of the constitution, it seems unnecessary to refer specifically to any of these changes.

The punctuation of the existing constitution is more profuse than that which is now employed, but the committee has not deemed it wise to change the punctuation of the un-amended portions of the constitution of 1894, although it has not hesitated to strike out or insert commas in any of the amendments made by this convention where such a change could not affect the meaning of the provisions.

In the following instances commas have been omitted:

Page 8, line 24, after the word "meetings";
Page 9, line 35, after the word "apportionment";
Page 9, line 36, after the word "senator";
Page 9, line 37, after the word "senator";
Page 9, line 37, after the word "senators";
Page 10, line 32, after the word "supervisors";
Page 10, line 32, after the word "or";
Page 11, line 23, after the word "district";
Page 11, line 24, after the word "which";
Page 11, line 25, after the word "districts";
Page 11, line 33, after the word "time";
Page 11, line 33, after the word "towns";
Page 11, line 37, after the word "legislature";

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Page 11, line 37, after the word "body";
Page 11, line 41, after the word "apportionment";
Page 17, line 34, after the word "time";
Page 24, line 35, after the word "powers";
Page 25, line 27, after the word "treasurer";
Page 25, line 29, after the word "office";
Page 43, line 40, after the word "of";
Page 43, line 40, after the word "exceed";
Page 43, line 41, after the word "courts";
Page 65, line 18, after the word "ability";
Page 65, line 29, after the word "vote".

In the following instances commas have been inserted:

Page 3, line 4, after the word "referee";
Page 7, line 36, after the word "enumeration";
Page 36, line 8, after the word "may";
Page 45, line 6, after the word "twenty-two";
Page 65, line 18, after the dash "—".

In the following instances the punctuation has been changed:

Page 2, line 28, following the word "years" the apostrophe (') has been omitted.

The semicolons appearing in section 19, page 14, lines 10 to 35, inclusive, following the respective clauses take the place of periods which were improperly used in the constitution of 1894.

Pages 22 and 23, article six, the paragraphs relating to the civil departments are numbered for convenience in reference from one to seventeen, respectively, to correspond with the numbering appearing in section one of such article.

The word "said" appears quite commonly in the present constitution and in the amendments made during the past twenty years, while in the amendments proposed by this convention the word "such" has generally been used in place thereof.

The committee regards the word "such" as the preferable term, although in a few instances the word "said" has been preserved.

In the following instances the word "such" has been substituted for the word "said":

Page 5, line 12; page 5, line 14; page 9, line 23; page 11, line 26; page 12, line 1; page 14, line 6; page 14, line 23; page 30, line 27; page 30, line 34; page 37, line 23; page 41, line 33; page 41, line 41; page 44, line 2; page 44, line 23; page 48, line 25; page 48, line 39; page 49, line 3; page 49, line 4;

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page 53, line 30; page 54, line 9; page 54, line 29; page 54, line 31; page 54, line 35; page 54, line 39; page 56, line 13; page 56, line 13; page 57, line 23; page 57, line 24; page 57, line 28; page 69, line 17.

The expressions "the state" and "this state" occur throughout the constitution. The committee has not made the expression uniform, because it found that there was an appropriateness in most cases in using the particular form that was employed.

Likewise the expressions "the constitution" and "this constitution" appear without any discrimination in their use. The committee, with one or two exceptions, has made the reference to the constitution read "this constitution".

In the following instances this has been done:

Page 56, line 21; page 57, line 7; page 59, line 7; page 59, line 9; page 67, line 19; page 67, line 31; page 68, line 13; page 68, line 40.

In amendments adopted by this convention the word "electors" has been substituted for the word "voters". The word "voters" however occurs in two instances in the existing constitution, and in these cases it has been changed to the word "electors" to make the use of terms for the same subject uniform. This change has been made in the following instances: Page 8, line 14, and page 8, line 15.

The word "people" has been changed to the word "electors" at page 51, line 37, the former word being plainly erroneously used.

The words "constitute a quorum" which is the expression commonly employed, have been used in place of the words "form a quorum". (See page 33, line 31; page 34, line 10.)

Where the salary of an officer is specified the expression "annual salary" has been employed instead of the expression a specified salary "per year", in order to make the language in this respect uniform. (See page 37, lines 1 and 2.)

The prevailing expression used in the constitution in designating the month and the day of the month is, for instance, "the first day of January" and not "January first". The former expression has been used in the proposed draft of the constitution for the sake of uniformity. It seems unnecessary to call attention to these changes in detail.

Likewise, the prevailing expression in designating the year is, for instance, "one thousand nine hundred and fifteen" and not

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"nineteen hundred and fifteen". The latter has been used in the recent amendments made to the constitution of 1894, but the committee feels that in a formal document like the constitution of the state it is well to follow the expression "one thousand nine hundred and fifteen" instead of the less formal expression "nineteen hundred and fifteen".

The expression "yeas and nays" is the predominant one in the constitution in reference to voting in that manner and in the only instance where "ayes and noes" appears the expression has been changed to "yeas and nays". (See page 46, line 12.)

The spelling of the word "moneys" which in one instance is spelled "m-o-n-i-e-s" has been made to read "m-o-n-e-y-s" where it appears in the constitution. (See page 20, line 37.)

The word "residue" as applied to the unexpired term of an office where a vacancy occurs has been changed to "remainder", which is used in nearly all instances in the present constitution. (See page 12, line 30; page 40, line 6.)

In view of the change in the language of the constitution relating to the enumeration of the inhabitants of the state which will not require such an enumeration except where a federal census is not available, it became necessary to change the language of the constitution in some places.

For instance, on page 7, line 35, the word "state" has been stricken out and the remainder of the line after the word "enumeration", and all before the word "electors" on line 36, and after the word "preceding" the words "federal or state census" have been inserted, so that the sentence will read "In cities and villages having five thousand inhabitants or more, according to the last preceding federal or state census or enumeration", etc., and on page 28, line 15, after the word "every" there has been inserted the words "federal census or state" and there has been stricken out on line 16, the words "under the constitution, of the inhabitants of the state" so that the sentence will read "The legislature may alter the judicial districts once after every federal census or state enumeration," etc. Page 28, line 23, the words "state, or" have been omitted and the words "or state", have been inserted after the word "federal", so as to make the language uniform with the change made in a preceding part of the same section, and on page 28, line 26, the words "state or" have been stricken out and after the word "federal" have been inserted the words "or state" for a like reason.

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Page 28, line 20, the letter "s" is added to the word "district".

Page 63, line 15, insert after the word "latest" the words "federal or" and after the word "state" the words "census or" so that the sentence will read "All cities are classified according to the latest federal or state census or enumeration".

The committee has not in all instances brought the parts of verbs together, but an exception has been made on page thirteen in section ten, on account of the wide separation of the verb "may convene", and has eliminated the word "may" from line one and inserted it before the word "convene" in line four. Likewise after the word "assembly" in line six the word "may" has been eliminated and inserted before the word "convene" in line eight.

On page 15, line 35, a reference appears to article seven of the existing constitution. On account of the renumbering of the articles it has been necessary to change this reference to "nine"; and in order to make the reference specific it has also been necessary to add after the word "constitution" the words "or section four of former article seven thereof as in force on the first day of January, one thousand nine hundred and ten."

On page 17, line 26, the word "political" has been changed to "civil", and again on line 28, to make the expression correspond with the usual term employed in the remainder of the constitution.

Page 21, lines 30 and 31, the words "and the comptroller" have been stricken out and the comma after the word "governor" and the word "and" has been inserted after the word "governor", because the comptroller has been made the head of one of the departments of the state government.

Page 22, line 37, after the word "the" the words "head of the" have been inserted and the words "administered by" have been stricken out to make the expression uniform with the other subdivisions of section 2 in designating the head of the department.

Page 33, line 15, the word "whom" has been changed to "which" to correct an obvious grammatical error.

Page 20, line 11, the word "their" has been changed to "its", to correct a grammatical error.

Page 41, line 12, after the word "sessions" the words "in and" have been inserted to perfect the reference to the "court of general sessions in and for the city and county of New York" which is the name of the existing court.

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Page 48, line 39, and page 49, line 1, the words " state commission of highways " have been stricken out and the words " superintendent of public works " have been inserted in their stead, because under this constitution the superintendent of public works has charge of the highways of the state.

Page 49, line 4, change the word " it " to " he ".

Page 51, line 24, the word " ten " has been stricken out and the word " thirteen " inserted to correct a reference, which is made necessary by the renumbering of articles.

Page 59, line 2, the word " supplying " has been stricken out and the word " filling " inserted in its place to correct a bad use of English.

Page 62, lines 27 to 31, the language relating to the adoption of new charters by cities was confused, and the committee has inserted in line 29 a comma after " seventeen ", and in line 30 a comma after " provide " and after the word " thereafter " the words " either at the general or at a special election ", so that the sentence will read "At the general election in the year one thousand nine hundred and seventeen, and unless its charter after one revision thereof shall otherwise provide, in every eighth year thereafter either at the general or at a special election, every city shall submit to the electors thereof, the question " Shall there be a commission to revise the charter of the city? ".

Page 67, line 26, the word " each" has been changed to the word " such ", to correct an obvious error.

Page 69, line 22, the word " nine " has been changed to the word " seven " to correct the reference made necessary by the renumbering of the articles.

On page 69, line 26, the words " such " and " seven " have been stricken out, and on line 27 the words " as amended " and there have been inserted after the word " article " the words " nine of this constitution ".

Page 68, line 5, the words " next ensuing after " have been stricken out and the word " following " has been inserted.

Page 45, line 13, the letter " s " is added to the word " office ".

The committee found it necessary by reason of the creation of new articles and new sections to renumber the articles and sections in some instances. These changes appear in the schedule which is attached to this report, so that it is not deemed necessary to call attention to them specifically.

All of the references in the proposed constitution have been checked up and are believed to be correct.

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All the changes reported by the committee, it is believed, come within the power of the committee to correct inaccuracies and inconsistencies. The committee has made no intentional change of substance.

Accompanying this report is a draft of the present constitution incorporating all of the amendments made by this convention and embodying all of the changes above indicated. This draft of the constitution is preceded by an index of the articles giving the subject of each and is followed by a schedule showing the source of the various articles of the proposed constitution, the distribution of the sections of the present constitution and also the source of the sections of the proposed constitution marked Schedules A, B and C.

In pursuance of the rules of the convention and the resolutions adopted by the convention, the committee has directed the preparation of an original draft of the proposed constitution on parchment and also has under preparation copies from the original plates which will be suitably bound and delivered to the members of the convention as soon as it can be done.

The list of articles preceding the draft of the constitution and the schedules following it have been submitted merely for the convenience of the members of the convention and form no part of the original draft of the constitution reported by the committee.

We desire to express our appreciation for the valuable services of Mr. Benton S. Rude, the parliamentary draftsman attached to the committee, and to George W. Munson, its stenographer, and also for faithful services of Charles H. Clark, who has been in the service of the committee during the past few weeks, and to Frederick D. Colson and John T. Fitzpatrick, who have assisted the committee in the reading of the proofs.

Respectfully submitted,

ADOLPH J. RODENBECK,
Chairman
LEMUEL E. QUIGG,
WILLIAM S. OSTRANDER,
CHARLES H. BETTS,
WILLIAM R. BAYES,
HARRY W. NEWBURGER,
TIMOTHY A. LEARY.
Committee.

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Mr. Rodenbeck, from the Committee on Revision and Engrossment, presented an engrossed copy of the Constitution which the President directed the Secretary to read, in words following:

We, the people of the State of New York, grateful to Almighty God for our freedom, in order to secure its blessings, do establish this Constitution.

ARTICLE I.

Section 1. No member of this state shall be disfranchised, or deprived of any of the rights or privileges secured to any citizen thereof, unless by the law of the land, or the judgment of his peers.

Section 2. The trial by jury in all cases in which it has been heretofore used shall remain inviolate forever; but a jury trial may be waived by the parties in all civil cases in the manner to be prescribed by law.

Section 3. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed in this state to all mankind; and no person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this state.

Section 4. The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require its suspension.

Section 5. Excessive bail shall not be required nor excessive fines imposed, nor shall cruel and unusual punishments be inflicted, nor shall witnesses be unreasonably detained.

Section 6. Except in cases of impeachment, and in cases of militia when in actual service, and the land and naval forces in time of war, or which this state may keep with the consent of congress in time of peace, and in cases of petit larceny, under the regulation of the legislature, no person shall be held to answer for a capital or otherwise infamous crime unless on presentment or indictment of a grand jury. Any person may, however, in the manner prescribed by law after examination or commitment by a magistrate, waive indictment and trial by jury on a charge of felony punishable by not exceeding five years imprisonment, or of an indictable misdemeanor, all subsequent proceedings being had by information before a superior court of criminal

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jurisdiction or a judge or justice thereof. In any trial in any court whatever the party accused shall be allowed to appear and defend in person and with counsel as in civil actions, and in any criminal case shall have the right to at least one appeal. No person shall be subject to be twice put in jeopardy for the same offense; nor shall he be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty or property without due process of law; nor be denied the equal protection of the laws; nor shall private property be taken for public use without just compensation.

Section 7. (a) When private property shall be taken for any public use, the compensation to be made therefor, when such compensation is not made by the state, shall be ascertained by the supreme court without a jury, but not with a referee, or by one or more supreme court commissioners or, within the third and fourth judicial departments and such part of the second judicial department not within the city of New York by not less than three commissioners appointed by a court of record, as shall be prescribed by law. Where the proceedings are instituted by a civil division of the state, compensation shall be paid before such taking, unless the supreme court, after hearing, because of public necessity shall otherwise direct.

(b) Private roads may be opened in the manner to be prescribed by law; but in every case the necessity of the road and the amount of all damage to be sustained by the opening thereof shall be first determined by a jury of freeholders, and such amount, together with the expenses of the proceeding, shall be paid by the person to be benefited.

(c) General laws may be passed permitting the owners or occupants of swamp or agricultural lands to construct and maintain for the drainage thereof, necessary drains, ditches and dikes upon the lands of others, under proper restrictions on making just compensation, which shall be assessed against the property benefited thereby.

(d) The legislature may authorize cities to take more land and property than is needed for actual construction in the laying out, widening, extending or relocating parks, public places, highways or streets; provided, however, that the additional land and property so authorized to be taken shall be no more than sufficient to form suitable building sites abutting on such park, public place, highway or street. After so much of the land and property

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has been appropriated for such park, public place, highway or street as is needed therefor, the remainder may be sold or leased. The legislature may also authorize cities, for the establishment of a uniform system of streets, to take real property within an abandoned street or highway and to sell and lease it.

Section 8. Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions or indictments for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

Section 9. No law shall be passed abridging the right of the people peaceably to assemble and to petition the government, or any department thereof; nor shall any divorce be granted otherwise than by due judicial proceedings; nor shall any lottery or the sale of lottery tickets, pool-selling, book-making, or any other kind of gambling hereafter be authorized or allowed within this state; and the legislature shall pass appropriate laws to prevent offenses against any of the provisions of this section.

Section 10. The people of this state, in their right of sovereignty, are deemed to possess the original and ultimate property in and to all lands within the jurisdiction of the state; and all lands the title to which shall fail, from a defect of heirs, shall revert, or escheat to the people.

Section 11. All feudal tenures of every description, with all their incidents, are declared to be abolished, saving however, all rents and services certain which at any time heretofore have been lawfully created or reserved.

Section 12. All lands within this state are declared to be allodial, so that, subject only to the liability to escheat, the entire and absolute property is vested in the owners, according to the nature of their respective estates.

Section 13. No lease or grant of agricultural land, for a longer period than twelve years, hereafter made, in which shall be reserved any rent or service of any kind, shall be valid.

Section 14. All fines, quarter sales, or other like restraints upon alienation, reserved in any grant of land hereafter to be made, shall be void.

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Section 15. No purchase or contract for the sale of lands in this state, made since the fourteenth day of October, one thousand seven hundred and seventy-five; or which may hereafter be made, of, or with the Indians, shall be valid unless made under the authority, and with the consent of the legislature. The peacemakers' courts of the Tonawanda nation, the peacemakers' courts and surrogates' courts of the Seneca nation and all other agencies of the Indian tribes and nations in so far as they exercise judicial functions are hereby abolished, and their jurisdiction shall vest in the courts of the state. All actions and proceedings now pending in such courts and agencies of the Indian nations and tribes shall be transferred for determination to the proper courts of the state. Except as otherwise provided by the treaties of this state and the constitution, treaties and laws of the United States, all general laws of the state, now or hereafter in force, shall apply to all Indians within the state. The legislature shall provide for the preservation of the judicial records of the Indian tribes and nations.

Section 16. Such parts of the common law, and of the acts of the legislature of the colony of New York, as together did form the law of such colony, on the nineteenth day of April, one thousand seven hundred and seventy-five, and the resolutions of the congress of such colony, and of the convention of the state of New York, in force on the twentieth day of April, one thousand seven hundred and seventy-seven, which have not since expired, or been repealed or altered; and such acts of the legislature of this state as are now in force, shall be and continue the law of this state, subject to such alterations as the legislature shall make concerning the same. But all such parts of the common law, and such of the said acts, or parts thereof, as are repugnant to this constitution, are hereby abrogated.

Section 17. All grants of land within this state, made by the king of Great Britain, or persons acting under his authority, after the fourteenth day of October, one thousand seven hundred and seventy-five, shall be null and void; but nothing contained in this constitution shall affect any grants of land within this state, made by the authority of the said king or his predecessors, or shall annul any charters to bodies politic and corporate, by him or them made, before that day; or shall affect any such grants or charters since made by this state, or by persons acting under its authority; or shall impair the obligation of any debts contracted by the state,

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or individuals, or bodies corporate, or any other rights of property, or any suits, actions, rights of action, or other proceedings in courts of justice.

Section 18. Except in the cases provided for in the next section, the right of action now existing to recover damages for injuries resulting in death shall never be abrogated and the amount recoverable shall not be subject to any statutory limitation.

Section 19. Nothing contained in this constitution shall be construed to limit the power of the legislature to enact laws for the protection of the lives, health or safety of employees; or for the payment, either by employers, or by employers and employees or otherwise, either directly or through a state or other system of insurance or otherwise, of compensation for injuries to or occupational diseases of employees or for death of employees resulting from such injuries or diseases without regard to fault as a cause thereof, except where the injury is occasioned by the wilful intention of the injured employee to bring about the injury or death of himself or of another, or where the injury results solely from the intoxication of the injured employee while on duty; or for the adjustment, determination and settlement, with or without trial by jury, of issues which may arise under such legislation; or providing that the right to such compensation, and the remedy therefor shall be exclusive of all other rights and remedies for such injuries or diseases or death. But all moneys paid by an employer, by reason of the enactment of any of the laws herein authorized, shall be deemed a part of the cost of operating the business of the employer.

ARTICLE II.

Section 1. Every male citizen of the age of twenty-one years, who shall have been a citizen for ninety days, and an inhabitant of this state one year next preceding an election, and for the last four months a resident of the county and for the last thirty days a resident of the election district in which he may offer his vote, shall be entitled to vote at such election in the election district of which he shall at the time be a resident, and not elsewhere, for all officers that now are or hereafter may be elective by the people; and upon all questions which may be submitted to the vote of the people, provided that in time of war no elector in the actual military service of the state, or of the United States, in the army or navy thereof, shall be deprived of

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his vote by reason of his absence from such election district; and the legislature shall have power to provide the manner in which and the time and place at which such absent electors may vote, and for the return and canvass of their votes in the election districts in which they respectively reside.

Section 2. No person who shall receive, accept, or offer to receive, or pay, offer or promise to pay, contribute, offer or promise to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving or withholding a vote at an election, or who shall make any promise to influence the giving or withholding any such vote, or who shall make or become directly or indirectly interested in any bet or wager depending upon the result of any election, shall vote at such election; and upon challenge for such cause, the person so challenged, before the officers authorized for that purpose shall receive his vote, shall swear or affirm before such officers that he has not received or offered, does not expect to receive, has not paid, offered or promised to pay, contributed, offered or promised to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving or withholding a vote at such election, and has not made any promise to influence the giving or withholding of any such vote, nor made or become directly or indirectly interested in any bet or wager depending upon the result of such election. The legislature shall enact laws excluding from the right of suffrage all persons convicted of bribery or of any infamous crime.

Section 3. For the purpose of voting, no person shall be deemed to have gained or lost a residence, by reason of his presence or absence, while employed in the service of the United States; nor while engaged in the navigation of the waters of this state, or of the United States, or of the high seas; nor while a student of any seminary of learning; nor while kept at any alms-house, or other asylum, or institution wholly or partly supported at public expense, or by charity; nor while confined in any public prison.

Section 4. Laws shall be made for the regulation of elections and for ascertaining by proper proofs the electors who shall be entitled to the right of suffrage hereby established and for their annual registration, which shall be completed at least fifteen days before each general election. Such registration shall not be required for town and village elections except by express provision

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of law. In cities and villages having five thousand inhabitants or more, according to the last preceding federal or state census or enumeration, electors shall be registered upon personal application only. Laws may be made providing for special registration therein on personal application before such boards or officers as the legislature shall designate, on a day or days not more than five months prior to the day of election, of such electors as shall then declare under oath that they are engaged in a regular vocation or occupation which will occasion their absence from the county during each of the regular days of registration. Such laws shall require electors so specially registered to establish, on the first regular day of registration, their continued right to vote in the election district for which they were registered but shall not require further personal appearance. Electors not residing in such cities or villages shall not be required to apply in person for registration at the first meeting of the officers having charge of the registry of electors.

Section 5. All elections by the citizens, except for such town officers as may by law be directed to be otherwise chosen, shall be by ballot, or by such other method as may be prescribed by law, provided that secrecy in voting be preserved.

Section 6. All laws creating, regulating or affecting boards or officers charged with the duty of registering electors, or of distributing ballots at the polls to electors, or of receiving, recording or counting votes at elections, shall secure equal representation of the two political parties which, at the general election next preceding that for which such boards or officers are to serve, cast the highest and the next highest number of votes. All such boards and officers shall be appointed or elected in such manner, and upon the nomination of such representatives of such parties respectively, as the legislature may direct. Existing laws on this subject shall continue until the legislature shall otherwise provide. This section shall not apply to town meetings or to village elections.

ARTICLE III.

Section 1. The legislative power of this state shall be vested in the senate and assembly.

Section 2. The senate shall consist of fifty members except as hereinafter provided. They shall be chosen for two years. The assembly shall consist of one hundred and fifty members, who shall be chosen for one year.

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Section 3. The state shall be divided into fifty districts to be called senate districts, each of which shall choose one senator. The districts shall be numbered from one to fifty, inclusive. The senate districts shall remain as at present constituted until altered as hereinafter provided.

Section 4. Such senate districts shall be so altered by the legislature at the first regular session after the return of and based upon the state enumeration taken in the year one thousand nine hundred and fifteen and shall remain unaltered until altered as hereinafter provided. At the regular session of the legislature in the year after the tabulation of each federal census the senate districts shall be altered by the legislature. Senate districts altered as herein provided shall remain unaltered until the time herein appointed for another alteration. Provided, however, that if a federal census shall not be available for any such alteration the same shall be based upon an enumeration of the inhabitants of the state, excluding aliens, and the legislature shall provide for such an enumeration for that purpose. In making such alterations the legislature shall so provide that each senate district shall contain as nearly as may be an equal number of inhabitants, excluding aliens, and be in as compact form as practicable and shall, at all times, consist of contiguous territory, and no county shall be divided in the formation of a senate district except to make two, or more, senate districts wholly in such county.

No town and no block in a city inclosed by streets or public ways shall be divided in the formation of senate districts; nor shall any district contain a greater excess in population over an adjoining district in the same county than the population of a town or block therein adjoining such district. Counties, towns or blocks which, from their location, may be included in either of two districts, shall be so placed as to make such districts most nearly equal in number of inhabitants, excluding aliens. No county shall have four or more senators unless it shall have a full ratio for each senator. No county shall have more than one-third of all the senators; and no two counties or the territory thereof as organized on the first day of January, one thousand eight hundred and ninety-five, which are adjoining counties or which are separated only by public waters shall have more than one-half of all the senators. The ratio for apportioning senators shall always be obtained by dividing the number of inhabitants, excluding aliens,

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by fifty and the senate shall always be composed of fifty members, except that if any county having three or more senators at the time of any apportionment shall be entitled on such ratio to an additional senator or senators, such additional senator or senators shall be given to such county in addition to the fifty senators, and the whole number of senators shall be increased to that extent.

Section 5. The members of the assembly shall be chosen by single districts and shall be apportioned by the legislature at the first regular session after the return of the state enumeration taken in the year one thousand nine hundred and fifteen among the several counties of the state. At the regular session of the legislature in each year in which senate districts shall be altered such members of the assembly shall again be apportioned by the legislature. Apportionments of members of assembly shall remain unaltered until the time herein appointed for another apportionment thereof. Every apportionment of members among the several counties of the state shall be as nearly as may be according to the number of their respective inhabitants, excluding aliens.

Every county heretofore established and separately organized, except the county of Hamilton, shall always be entitled to one member of assembly, and no county shall hereafter be erected unless its population shall entitle it to a member. The county of Hamilton shall elect with the county of Fulton until the population of the county of Hamilton shall, according to the ratio, entitle it to a member.

The quotient obtained by dividing the whole number of inhabitants of the state, excluding aliens, by the number of members of assembly, shall be the ratio for apportionment which shall be made as follows: one member of assembly shall be apportioned to every county, including Fulton and Hamilton as one county, containing less than the ratio and one-half over. Two members shall be apportioned to every other county. The remaining members of assembly shall be apportioned to the counties having more than two ratios according to the number of inhabitants, excluding aliens. Members apportioned on remainders shall be apportioned to the counties having the highest remainders in the order thereof respectively. No county shall have more members of assembly than a county having a greater number of inhabitants, excluding aliens.

In any county entitled to more than one member, the board of supervisors or if there be none, the board or body exercising similar functions, and in any city embracing an entire county, or

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more than one county, and having no board of supervisors, the members elected from each county to the board of aldermen or if there be none, the body most nearly exercising the powers of a board of aldermen shall assemble on the second Tuesday of June, one thousand nine hundred and sixteen, and at such other times as the legislature thereafter making an apportionment, as hereinafter provided, shall prescribe, and divide each county into assembly districts as nearly equal in number of inhabitants, excluding aliens, as may be, of convenient and contiguous territory in as compact form as practicable, each of which shall be wholly within a senate district formed under the same apportionment, equal to the number of members of assembly to which such county shall be entitled, and shall cause to be filed in the office of the secretary of state and of the clerk of such county, a description of such districts, specifying the number of each district and of the inhabitants thereof, excluding aliens, according to the last preceding state enumeration, or if no state enumeration shall have been taken within a period of five years prior to such apportionment, then according to the preceding federal census; and such apportionment and districts shall remain unaltered until another federal census shall be made. In counties having more than one senate district, the same number of assembly districts shall be put in each senate district, unless the assembly districts cannot be evenly divided among the senate districts of any county, in which case one more assembly district shall be put in the senate district in such county having the largest, or one less assembly district shall be put in the senate district in such county having the smallest number of inhabitants, excluding aliens, as the case may require. No town, and no block in a city inclosed by streets or public ways, shall be divided in the formation of assembly districts, nor shall any district contain a greater excess in population over an adjoining district in the same senate district than the population of a town or block therein adjoining such assembly district. Towns or blocks which from their location may be included in either of two assembly districts shall be so placed as to make such assembly districts most nearly equal in number of inhabitants, excluding aliens. But in the division of cities except cities of the first class under the first apportionment, regard shall be had to the number of inhabitants, excluding aliens, of the election districts according to the state enumeration of one thousand nine hundred and fifteen, so far as may be, instead of blocks. Nothing in this section shall prevent the division

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at any time of counties and towns and the erection of new counties and towns by the legislature. Assembly districts as at present constituted shall remain unaltered until altered as herein provided.

An apportionment by the legislature or other body shall be subject to review by the supreme court at the suit of any citizen, under such reasonable regulations as the legislature may prescribe; and any court before which a cause may be pending involving an apportionment shall give precedence thereto over all other causes and proceedings, and if such court be not in session it shall convene promptly for the disposition of the same.

Section 6. The elections of senators and members of assembly, pursuant to the provisions of this constitution, shall be held on the Tuesday succeeding the first Monday of November, unless otherwise directed by the legislature.

Section 7. The political year and legislative term shall begin on the first day of January; and the legislature shall, every year, assemble on the first Wednesday in January.

Section 8. Each member of the legislature shall receive for his services an annual salary of two thousand five hundred dollars. The members of each house shall also receive the railroad fare actually paid in going to and returning from their place of meeting on the most usual route, but not oftener than once each week during any session of the legislature. Such railroad fare shall be repaid only on the verified voucher of the member entitled thereto after audit by the comptroller. Senators, when the senate alone is convened in extraordinary session, or when serving as members of the court for the trial of impeachments, and such members of the assembly, not exceeding nine in number, as shall be appointed managers of an impeachment, shall receive an additional allowance of ten dollars a day.

Section 9. A majority of the members elected to each house shall constitute a quorum to do business. Each house shall determine the rules of its own proceedings and be the judge of the elections, returns and qualifications of its own members and shall choose its own officers. The senate shall choose a temporary president. The assembly shall choose a speaker. If the lieutenant-governor become governor, the temporary president shall become lieutenant-governor for the remainder of the term. If the lieutenant-governor be impeached or be unable to discharge the duties of the office or be acting governor, the temporary president shall

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act as lieutenant-governor during such impeachment or inability or while the lieutenant-governor is acting governor. If the lieutenant-governor refuse to act as president or be absent from the chair, the temporary president shall preside. If the speaker of the assembly be unable to perform the duties of the office or be acting governor, the assembly may choose a temporary speaker who shall act as speaker during such inability or while the speaker is acting governor or until a speaker is chosen.

Section 10. The legislature of its own motion, in the manner to be provided by joint rule which shall continue in force until abrogated or amended by both the senate and the assembly, may convene to take action in the matter of removal of a judge of the court of appeals or justice of the supreme court. The assembly of its own motion, in the manner to be provided by rule which shall continue in force until abrogated or amended by the assembly, may convene for the purposes of impeachment. At a meeting under this section no subject shall be acted upon except that for which the meeting is herein authorized to be held.

Section 11. If any person shall, after his election as a member of the legislature, be elected to congress, or appointed to any office, civil or military, under the government of the United States, or under any city government, his acceptance thereof shall vacate his seat.

Section 12. Each house shall keep a journal of its proceedings and a record of its debates and promptly publish the same from day to day, except such parts as may require secrecy. The doors of each house shall be kept open, except when the public welfare shall require secrecy. Neither house shall, without the consent of the other, adjourn for more than two days.

Section 13. For any speech or debate in either house of the legislature, the members shall not be questioned in any other place.

Section 14. Any bill may originate in either house of the legislature, and all bills passed by one house may be amended by the other.

Section 15. The enacting clause of all bills shall be "The People of the State of New York, represented in Senate and Assembly, do enact as follows:" and no law shall be enacted except by bill.

Section 16. No bill shall be passed or become a law unless it shall have been printed and upon the desks of the members, in its final form, at least three calendar legislative days prior to its final

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passage. No bill shall be passed or become a law, except by the assent of a majority of the members elected to each branch of the legislature. Immediately after the last reading of a bill the question upon its final passage shall be taken and the yeas and nays entered on the journal.

Section 17. No private or local bill, which may be passed by the legislature, shall embrace more than one subject, and that shall be expressed in the title.

Section 18. No act shall be passed which shall provide that any existing law, or any part thereof, shall be made or deemed a part of such act, or which shall enact that any existing law, or part thereof, shall be applicable, except by inserting it in such act.

Section 19. The legislature shall not pass a private or local bill in any of the following cases:

Changing the names of persons;

Laying out, opening, altering, working or discontinuing roads, highways or alleys, or for draining swamps or other low lands;

Locating or changing county seats;

Providing for changes of venue in civil or criminal cases;

Incorporating villages;

Providing for election of members of boards of supervisors;

Selecting, drawing, summoning or empaneling grand or petit jurors;

Regulating the rate of interest on money;

The opening and conducting of elections or designating places of voting;

Creating, increasing or decreasing fees, percentage or allowances of public officers, during the term for which such officers are elected or appointed;

Granting to any corporation, association or individual the right to prove a claim against the state or against any civil division thereof;

Authorizing any civil division of the state to allow or pay any claim or account;

Granting to any corporation, association or individual the right to lay down railroad tracks;

Granting to any private corporation, association or individual any exclusive privilege, immunity or franchise whatever;

Granting to any person, association, firm or corporation an exemption from taxation on real or personal property;

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Providing for building bridges, and chartering companies for such purposes, except on the Hudson river below Waterford, and on the East river, or over the waters forming a part of the boundaries of the state.

The legislature shall pass general laws providing for the cases enumerated in this section, and for all other cases which in its judgment, may be provided for by general laws. But no law shall authorize the construction or operation of a street railroad except upon the condition that the consent of the owners of one-half in value of the property bounded on, and the consent also of the local authorities having the control of that portion of a street or highway upon which it is proposed to construct or operate such railroad be first obtained, or in case the consent of such property owners cannot be obtained, the appellate division of the supreme court, in the department in which it is proposed to be constructed, may, upon application, appoint three commissioners who shall determine, after a hearing of all parties interested, whether such railroad ought to be constructed or operated, and their determination, confirmed by the court, may be taken in lieu of the consent of the property owners.

Section 20. The legislature shall neither audit nor allow any private claim or account against the state or against any civil division thereof, but may appropriate money to pay such claims and accounts against the state as shall have been audited and allowed according to law.

Section 21. The assent of two-thirds of the members elected to each branch of the legislature shall be requisite to every bill appropriating the public moneys or property for local or private purposes.

No public moneys or property shall be appropriated for the construction or improvement of any building, bridge, highway, dike, canal, feeder, waterway or other work until plans and estimates of the cost of such work shall have been filed with the secretary of state by the superintendent of public works, together with a certificate by him as to whether or not in his judgment the general interests of the state then require that such improvement be made at state expense. This section shall not apply to the contributions of the state to the cost of eliminating grade crossings or to items in the budget for the construction of highways from the proceeds of bonds authorized under section four of article nine of this constitution or section four of former

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article seven thereof as in force on the first day of January, one thousand nine hundred and ten.

Section 22. No money shall ever be paid out of the treasury of this state or any of its funds, or any of the funds under its management, except in pursuance of an appropriation by law; nor unless such payment be made not later than three months after the close of the fiscal year next succeeding that in which such appropriation was made; and every such law making a new appropriation or continuing or reviving an appropriation, shall distinctly specify the sum appropriated, and the object to which it is to be applied; and it shall not be sufficient for such law to refer to any other law to fix such sum. Appropriations made by the legislature in the year one thousand nine hundred and sixteen shall be made for a period ending the thirtieth day of June, one thousand nine hundred and seventeen, and thereafter the fiscal year of the state shall end on the thirtieth day of June of each year, unless otherwise provided by law.

Section 23. No provision or enactment shall be embraced in the annual appropriation or supply bill, unless it relates specifically to some particular appropriation in the bill; and any such provision or enactment shall be limited in its operation to such appropriation.

Section 24. Every law which imposes, continues or revives a tax shall distinctly state the tax and the object to which it is to be applied, and it shall not be sufficient to refer to any other law to fix such tax or object.

Section 25. There shall be in each county, except in a county wholly included in a city, a board of supervisors, to be composed of such members and elected in such manner and for such period as is or may be provided by law. In a city which includes an entire county, or two or more entire counties, the powers and duties of a board of supervisors may be devolved upon the municipal assembly, common council, board of aldermen or other legislative body of the city. Provided, however, that the legislature, by general laws, may establish different forms of government for counties not wholly included in a city, any such form of government to become effective in any county only when approved by the electors thereof in such manner as the legislature may prescribe.

No local or special law relating to a county or counties except to a county or counties wholly included within a city shall be enacted except upon request, by resolution, of the governing body of the county or counties to be affected.

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Section 26. The legislature shall, by general laws, confer upon the boards of supervisors, or other governing bodies, of the several counties of the state such further powers of local legislation and administration as the legislature may, from time to time, deem expedient. In counties which now have, or may hereafter have, county auditors or other fiscal officers, authorized to audit bills, accounts, charges, claims or demands against the county, the legislature may confer such powers upon such auditors, or fiscal officers, as the legislature may, from time to time, deem expedient. The legislature may confer upon any elective or appointive county officer or officers any of the powers and duties now exercised by the towns of any county or the officer or officers thereof relating to highways, public safety and the care of the poor.

Section 27. No extra compensation shall be granted or allowed to any public officer, servant, agent or contractor, by the state or any civil division thereof or by any board, officer or other agency of the state, or of any such civil division.

Section 28. The legislature shall, by law, provide for the occupation and employment of prisoners sentenced to the several state prisons, penitentiaries, jails and reformatories in the state; and on and after the first day of January, in the year one thousand eight hundred and ninety-seven, no person in any such prison, penitentiary, jail or reformatory, shall be required or allowed to work while under sentence thereto at any trade, industry or occupation wherein or whereby his work, or the product or profit of his work, shall be farmed out, contracted, given or sold to any person, firm, association or corporation. This section shall not be construed to prevent the legislature from providing that convicts may work for, and that the products of their labor may be disposed of to, the state or any civil division thereof, or for or to any public institution owned or managed and controlled by the state, or any civil division thereof.

Section 29. The legislature shall have the power to regulate or prohibit manufacturing in tenement houses.

ARTICLE IV.

Section 1. The executive power shall be vested in a governor, who shall hold his office for two years. A lieutenant-governor shall be chosen at the same time and for the same term. The governor shall receive for his services an annual salary of ten thousand dollars until the first day of January, one thousand

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nine hundred and seventeen, after which he shall receive for his services an annual salary of twenty thousand dollars. There shall be provided for his use a suitable and furnished executive residence.

Section 2. No person shall be eligible to the office of governor or lieutenant-governor, except a citizen of the United States, of the age of not less than thirty years, and who shall have been five years next preceding his election a resident of this state.

Section 3. The governor and lieutenant-governor shall be elected at the times and places of choosing members of the assembly. The persons respectively having the highest number of votes for governor and lieutenant-governor shall be elected; but in case two or more shall have an equal and the highest number of votes for governor, or for lieutenant-governor, the two houses of the legislature at its next annual session shall forthwith, by joint ballot, choose one of such persons so having an equal and the highest number of votes for governor or lieutenant-governor.

Section 4. The governor shall be commander-in-chief of the military and naval forces of the state. He shall have power to convene the legislature, or the senate only, on extraordinary occasions. At extraordinary sessions no subject shall be acted upon, except such as the governor may recommend for consideration. He shall communicate by message to the legislature at every session the condition of the state, and recommend such matters to it as he shall judge expedient. He shall transact all necessary business with the officers of government, civil and military. He shall expedite all such measures as may be resolved upon by the legislature, and shall take care that the laws are faithfully executed.

Section 5. The governor shall have the power to grant reprieves, commutations and pardons after conviction, for all offenses except treason and cases of impeachment, upon such conditions and with such restrictions and limitations, as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason, he shall have power to suspend the execution of the sentence, until the case shall be reported to the legislature at its next meeting, when the legislature shall either pardon, or commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall annually communicate to the legislature each case of reprieve, commutation or pardon granted, stating the name of

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the convict, the crime of which he was convicted, the sentence and its date, and the date of the commutation, pardon or reprieve.

Section 6. If the office of governor be vacant the lieutenant-governor shall become governor for the remainder of the term. If the governor be under impeachment or be unable to discharge the powers and duties of the office or be absent from the state the lieutenant-governor shall act as governor during such inability, absence or the pendency of such impeachment. But when the governor shall, with the consent of the legislature, be out of the state, in time of war, at the head of a military force thereof, he shall continue commander-in-chief of all the military force of the state.

Section 7. The lieutenant-governor shall possess the same qualifications of eligibility for office as the governor. He shall be president of the senate, but shall have only a casting vote therein. If the office of governor be vacant and there be no lieutenant-governor, such vacancy shall be filled for the remainder of the term at the next general election happening not less than three months after such vacancy occurs; and in any such case, until the vacancy be filled by election, the temporary president of the senate, or if there be none, the speaker of the assembly shall become governor until the first day of the political year next succeeding the election at which the office of governor shall be filled. If the office of governor be vacant and the lieutenant-governor be under impeachment, or unable to discharge the powers and duties of the office of governor or be absent from the state, the temporary president of the senate shall act as governor during such inability, absence or the pendency of such impeachment. If the temporary president of the senate be unable to discharge the powers and duties of the office of governor or be absent from the state the speaker of the assembly shall act as governor during such inability or absence.

Section 8. The lieutenant-governor shall receive for his services an annual salary of five thousand dollars, and shall not receive or be entitled to any other compensation, fee or perquisite, for any duty or service he may be required to perform by the constitution or by law.

Section 9. Every bill which shall have passed the senate and assembly shall, before it becomes a law, be presented to the governor; if he approve, he shall sign it; but if not, he shall return it with his objections to the house in which it shall have originated,

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which shall enter the objections at large on the journal, and proceed to reconsider it. If after such reconsideration, two-thirds of the members elected to that house shall agree to pass the bill, it shall be sent together with the objections to the other house by which it shall likewise be reconsidered; and if approved by two-thirds of the members elected to that house, it shall become a law notwithstanding the objections of the governor. In all such cases, the votes in both houses shall be determined by yeas and nays, and the names of the members voting shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislature shall, by its adjournment, prevent its return, in which case it shall not become a law without the approval of the governor. No bill shall become a law after the final adjournment of the legislature, unless approved by the governor within thirty days after such adjournment. If any bill presented to the governor contain several items of appropriation of money, he may object to one or more of such items while approving of the other portion of the bill. In such case, he shall append to the bill, at the time of signing it, a statement of the items to which he objects; and the appropriation so objected to shall not take effect. If the legislature be in session, he shall transmit to the house in which the bill originated a copy of such statement, and the items objected to shall be separately reconsidered. If on reconsideration one or more of such items be approved by two-thirds of the members elected to each house, the same shall be part of the law, notwithstanding the objections of the governor. All the provisions of this section, in relation to bills not approved by the governor, shall apply in cases in which he shall withhold his approval from any item or items contained in a bill appropriating money.

ARTICLE V.

Section 1. On or before the fifteenth day of November in the year one thousand nine hundred and sixteen and in each year thereafter the head of each department of the state government except the legislature and judiciary, shall submit to the governor itemized estimates of appropriations to meet the financial needs of such department, including a statement in detail of all moneys for

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which any general or special appropriation is desired at the ensuing session of the legislature, classified according to relative importance and in such form and with such explanation as the governor may require.

The governor, after public hearing thereon, at which he may require the attendance of heads of departments and their subordinates, shall revise such estimates according to his judgment.

Itemized estimates of the financial needs of the legislature certified by the presiding officer of each house and of the judiciary certified by the comptroller shall be transmitted to the governor before the fifteenth day of January next succeeding for inclusion in the budget without revision but with such recommendation as he may think proper.

On or before the first day of February next succeeding he shall submit to the legislature a budget containing a complete plan of proposed expenditures and estimated revenues. It shall contain all the estimates so revised or certified and shall be accompanied by a bill or bills for all proposed appropriations and reappropriations, clearly itemized; it shall show the estimated revenues for the ensuing fiscal year and the estimated surplus or deficit of revenues at the end of the current fiscal year together with the measures of taxation, if any, which the governor may propose for the increase of the revenues. It shall be accompanied by a statement of the current assets, liabilities, reserves and surplus or deficit of the state; statements of the debts and funds of the state; an estimate of its financial condition as of the beginning and end of the ensuing fiscal year; and a statement of revenues and expenditures for the two fiscal years next preceding said year, in form suitable for comparison. The governor may, before final action by the legislature thereon, amend or supplement the budget.

A copy of the budget and of any amendments or additions thereto shall be forthwith transmitted by the governor to the comptroller.

The governor and the heads of such departments shall have the right, and it shall be their duty when requested by either house of the legislature, to appear and be heard in respect to the budget during the consideration thereof, and to answer inquiries relevant thereto. The procedure for such appearance and inquiries shall be provided by law. The legislature may not alter an appropriation bill submitted by the governor except to strike out or reduce items therein; but this provision shall not apply to

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items for the legislature or judiciary. Such a bill when passed by both houses shall be a law immediately without further action by the governor, except that appropriations for the legislature and judiciary shall be subject to his approval as provided in section nine of article four.

Neither house shall consider further appropriations until the appropriation bills proposed by the governor shall have been finally acted on by both houses; nor shall such further appropriations be then made except by separate bills each for a single work or object, which bills shall be subject to the governor's approval as provided in section nine of article four. Nothing herein contained shall be construed to prevent the governor from recommending that one or more of his proposed bills be passed in advance of the others to supply the immediate needs of government.

ARTICLE VI.

Section 1. There shall be the following civil departments in the state government: (1) law, (2) finance, (3) accounts, (4) treasury, (5) taxation, (6) state, (7) public works, (8) health, (9) agriculture, (10) charities and corrections, (11) banking, (12) insurance, (13) labor and industry, (14) education, (15) public utilities, (16) conservation and (17) civil service.

Section 2. (1) The head of the department of law shall be the attorney-general. He shall be elected at the same time and for the same term as the governor.

(2) The head of the department of finance shall be the comptroller. He shall be elected at the same time and for the same term as the governor. Excepting the powers of examination and verification of accounts vested in the department of accounts, he shall have the present powers and duties of the comptroller, subject to the authority of the legislature to increase, modify or diminish the same.

(3) The head of the department of accounts shall be the commissioner of accounts. He shall have power to examine and verify all accounts showing the financial transactions of the state and its several departments and officers. He shall also make such special examinations and reports as from time to time may be required by resolution of either house of the legislature.

(4) The head of the department of the treasury shall be the treasurer.

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(5) The head of the department of taxation shall be a state tax commission.

(6) The head of the department of state shall be the secretary of state. He shall be the keeper of the great seal and of the records and archives of the state, shall issue writs of election and certify the results.

(7) The head of the department of public works shall be the superintendent of public works. He shall have the construction, care, maintenance and operation of the state's public works, including canals, highways, and all public buildings not from time to time assigned by law to any other department, and shall provide for the needs of the several state departments in engineering and architecture.

(8) The head of the department of health shall be the commissioner of health.

(9) The head of the department of agriculture shall be the commissioner of agriculture.

(10) The head of the department of charities and corrections shall be the secretary of charities and corrections. He shall have power of inspection and supervision of all state charitable institutions, state hospitals for the insane, state prisons and other state correctional institutions.

(11) The head of the department of banking shall be the superintendent of banks.

(12) The head of the department of insurance shall be the superintendent of insurance.

(13) The head of the department of labor and industry shall be an industrial commission or commissioner as may be provided by law. Commissioners shall be appointed by the governor by and with the advice and consent of the senate.

(14) The department of education shall be administered by the university of the state of New York. The chief administrative officer of the department shall be appointed by the regents of the university.

(15) The department of public utilities shall consist of two public service commissions. Commissioners shall be appointed by the governor by and with the advice and consent of the senate. The governor may remove any commissioner for cause after service

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upon him of a written statement of the alleged cause and an opportunity to be heard thereon. Until the legislature shall otherwise provide, the existing commissions are continued with the jurisdiction and powers at present vested in them.

(16) The department of conservation shall be under the direction of the conservation commission.

(17) The department of civil service shall be under the direction of a civil service commission consisting of three commissioners. They shall be appointed by the governor by and with the advice and consent of the senate, for terms of six years, and shall be so classified that one shall go out of office at the end of every two years. The governor may remove any commissioner for cause after service upon him of a written statement of the alleged cause and an opportunity to be heard thereon. The commission shall take care that the provisions of this constitution relating to civil service and of laws enacted thereunder are faithfully observed and enforced.

Section 3. At the session immediately following the adoption of this constitution, the legislature shall provide by law for the appropriate assignment, to take effect not earlier than the first day of January, one thousand nine hundred and seventeen, of all the civil administrative and executive functions of the state government, except those of assistants in the office of the governor, to the several departments in this article provided. Subject to the limitations contained in this constitution the legislature may from time to time assign by law new powers and functions to departments, officers, boards or commissions continued or created under this constitution, and increase, modify or diminish their powers and functions. No specific grant of power herein to a department shall prevent the legislature from conferring additional powers upon such department. No new departments shall be created hereafter. Any bureau, board, commission or office hereafter created except assistants in the office of the governor shall be placed in one of the departments enumerated in this article. The elective state officers in office at the time this constitution takes effect shall continue in office until the end of the terms for which they were elected. Pending the assignment of the civil administrative and executive functions by the legislature pursuant to the direction of this section, the powers and duties of the several departments, boards, commissions and offices now existing are continued. Subject to the power of the legislature to reduce

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the number of officers, when the powers and duties of any existing office are assigned to any department, the officers exercising such powers shall continue in office in such department, and their term of office shall not be shortened by such assignment.

Section 4. The heads of all the departments and the members of all commissions unless otherwise provided in this constitution shall be appointed by the governor and may be removed by him in his discretion.

Section 5. The attorney-general and comptroller may be removed from office by impeachment in the same manner as the governor. A vacancy in the office of attorney-general or of comptroller shall be filled for the remainder of the term at the next general election happening not less than three months after such vacancy occurs. Until the vacancy be so filled by election, the governor, or if the senate be in session, the governor by and with the advice and consent of the senate, may fill such vacancy by appointment which shall continue until the first day of the political year next succeeding the election at which such office may be filled. The compensation provided by law for each of such officers shall not be increased or diminished during the term for which he shall have been elected and he shall not receive to his use any fees or perquisites of office or other compensation.

Section 6. All appointed heads of departments shall be subject to impeachment in the same manner as the governor or they may be removed by the senate by vote of two-thirds of all the members elected thereto. A vacancy occurring in a board or commission appointed by and with the advice and consent of the senate for a fixed term shall be filled for the unexpired term in the same manner as an original appointment, except that a vacancy occurring or existing while the senate is not in session shall be filled by the governor by appointment for a term expiring at the end of twenty days from the commencement of the next meeting of the senate.

Section 7. The lieutenant-governor, speaker of the assembly, secretary of state, attorney-general, comptroller, treasurer and superintendent of public works shall constitute the canal board and be the commissioners of the land office and the commissioners of the canal fund.

Section 8. This article shall not apply to the military or naval affairs or forces nor to property from time to time devoted to military or naval purposes.

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ARTICLE VII.

Section 1. The department of conservation shall consist of nine commissioners to serve without compensation and to be appointed by the governor by and with the advice and consent of the senate for terms which shall expire in nine successive years, the first ending on the first day of January, one thousand nine hundred and seventeen, and their successors shall be appointed for terms of nine years. Vacancies shall be filled for the unexpired term. One commissioner shall reside in each judicial district. No person shall be eligible to or shall continue to hold the office of commissioner, who is engaged in the business of lumbering in any forest preserve county or who is engaged in any business in the prosecution of which hydraulic power is used or in which water is distributed or sold under any public franchise or who is an officer or holder of the stock or bonds of any corporation engaged in such business within the state. They shall be subject to removal by the governor on charges, after an opportunity to be heard. Subject to the limitations in this constitution contained, the department shall be charged with the development and protection of the natural resources of the state; the encouragement of forestry and the suppression of forest fires throughout the state; the exclusive care, maintenance and administration of the forest preserve; the conservation, prevention of pollution, and regulation of the waters of the state; the protection and propagation of its fish, birds, game, shellfish and crustacea, except migratory fish of the sea within the limits of the marine district, with the power, subject to the veto within thirty days of the governor, to enact regulations with respect to the taking, possession, sale and transportation thereof, which shall have the force of law, when filed in the office of the department of state and published as the legislature may provide, until and unless the legislature shall thereafter modify such regulations. The department shall also be entrusted with the enforcement of the general laws of the state respecting the subjects hereinbefore enumerated and exercise such additional powers as from time to time may be conferred by law. The department shall appoint and may at pleasure remove a superintendent. It may also appoint all other necessary subordinates.

Section 2. The lands of the state, now owned or hereafter acquired, constituting the forest preserve as now fixed by law, shall be forever kept as wild forest lands. They shall not be leased, sold or exchanged, or be taken by any corporation, public or

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private, nor shall the trees and timber thereon be sold, removed or destroyed. The department is, however, empowered to reforest lands in the forest preserve, to construct fire trails thereon, and to remove dead trees and dead timber therefrom for purposes of reforestation and fire protection solely, but shall not sell the same. Nothing herein contained shall prevent the state from constructing a state highway from Saranac Lake in Franklin county to Long Lake in Hamilton county and thence to Old Forge in Herkimer county by way of Blue Mountain lake and Raquette lake.

Section 3. The legislature may by general laws provide for the use of not exceeding three per centum of such lands for the construction and maintenance of reservoirs for municipal water supply, for the canals of the state and to regulate the flow of streams. Such reservoirs shall be constructed, owned and controlled by the state, but such work shall not be undertaken until after the boundaries and high flow lines thereof shall have been accurately surveyed and fixed, and after public notice, hearing and determination that such lands are required for such public use. The expense of any such improvements shall be apportioned on the public and private property and municipalities benefited to the extent of the benefits received. Any such reservoir shall always be operated by the state and the legislature shall provide for a charge upon the property and municipalities benefited for a reasonable return to the state upon the value of the rights and property of the state used and the services of the state rendered, which shall be fixed for terms of not exceeding ten years, and be readjustable at the end of any term. Unsanitary conditions shall not be created or continued by any such public works.

Section 4. The legislature may authorize the use by the city of New York for its municipal water supply of lands now belonging to the state located in the towns of Hurley and Shandaken in the county of Ulster and in the town of Lexington in the county of Greene, for just compensation.

Section 5. The legislature shall annually make provision for the purchase of real property within the Adirondack and Catskill parks as defined by law, the reforestation of lands and the making of boundary and valuation surveys.

Section 6. A violation of any of the provisions of this article may be restrained at the suit of the people or, with the consent of the supreme court in appellate division, on notice to the attorney-general at the suit of any citizen.

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ARTICLE VIII.

Section 1. The supreme court is continued with general jurisdiction in law and equity, subject to such appellate jurisdiction of the court of appeals as now is or may be prescribed by law not inconsistent with this article. The existing judicial districts of the state are continued until changed as hereinafter provided. The supreme court shall consist of the justices in office on the first day of January, one thousand nine hundred and sixteen, and successors of the three justices transferred to the court of appeals as in this article provided, and of two additional justices who shall reside in and be chosen by the electors of the first judicial district, and their successors, together with such additional justices as may be authorized by the legislature pursuant to the provisions of this article. The successors of said justices shall be chosen by the electors of their respective judicial districts. The legislature may alter the judicial districts once after every federal census or state enumeration and thereupon reapportion the justices to be thereafter elected in the districts so altered. The legislature may from time to time further increase the number of justices in any judicial district except that the number of justices in the first, second and ninth districts shall not be thereby increased to exceed one justice for each eighty thousand, or fraction over forty thousand of the population thereof, as shown by the last federal or state census or enumeration, and except that the number of justices in any other district shall not be increased to exceed one justice for each sixty thousand or fraction over thirty-five thousand of the population thereof as shown by the last federal or state census or enumeration.

Section 2. The present division of the state into four judicial departments is continued. Once every ten years the legislature may alter the judicial departments, but without increasing the number thereof. They shall be bounded by county lines, and be compact and equal in population as nearly as may be. The appellate divisions of the supreme court are continued and shall consist of not less than ten nor more than twelve justices in the first department, seven justices in the second department and five justices in each of the other departments. The justices heretofore designated shall continue to sit in the appellate divisions until the terms of their designations respectively expire. The appellate division in the first department may sit in two parts, in which case the

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presiding justice shall assign the justices who from time to time shall sit in each part. The presiding justice may preside in either part and he shall designate the justice to preside in either part when he is not present. In each appellate division or part thereof four shall constitute a quorum, and the concurrence of three shall be necessary to a decision. No more than five justices shall sit in any case.

The governor shall designate the presiding justice of each department, who shall act as such during his term of office and shall be a resident of the department. The other justices shall be designated by the governor from all the justices elected to the supreme court for terms of five years or the unexpired portions of their respective terms of office, if less than five years. From time to time as the terms of the designations expire, or vacancies occur, the governor shall make new designations. A majority of the justices so designated to sit in the appellate division, in each department shall be residents of the department. Ten justices shall be designated to sit in the appellate division in the first department, but in case the presiding justice thereof at any time shall certify to the governor that the interests of justice so require the governor shall designate two additional justices to sit therein. In case of the absence or inability to act of a justice of any appellate division, the presiding justice thereof may assign any of the justices of the supreme court to sit in the appellate division during such absence or inability, but no justice shall be so designated to sit longer than four months in any year. In case the presiding justice of any appellate division shall certify to the governor that one or more additional justices are needed for the speedy disposition of the business before it the governor shall designate such additional justice or justices. Whenever the appellate division in any department shall be unable to dispose of its business within a reasonable time, a majority of the presiding justices of the several departments at a meeting called by the presiding justice of the department in arrears shall transfer such number of the pending appeals as the presiding justices may determine to be necessary from such department to any other department for hearing and determination. No justice of the appellate division shall, within the department to which he may be designated to perform the duties of an appellate justice, exercise any of the powers of a justice of the supreme court, other than those of a justice out of court, and those pertaining to the appellate division, or to the

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hearing and decision of motions submitted by consent of counsel, but any such justice, when not actually engaged in performing the duties of such appellate justice in the department to which he is designated, may hold any term of the supreme court and exercise any of the powers of a justice of the supreme court in any county or judicial district in any other department of the state. The appellate division, except as herein provided, shall have the jurisdiction now exercised by it and such additional jurisdiction as may be conferred by the legislature. On appeals from judgments of conviction in criminal cases, the appellate division or the appellate term as the case may be may reduce the sentence imposed by the trial court or judge. It shall have power to appoint and remove a reporter. The justices of the appellate division in each department shall have power to fix the times and places for holding the terms of the supreme court therein, and to assign the justices in the departments to hold such terms.

Section 3. There shall be an appellate term of the supreme court in the first and in the second department consisting of not less than three nor more than five justices of the supreme court to be designated annually by the appellate division of the supreme court in such departments respectively. Such appellate divisions respectively may designate justices to sit in the appellate term during the temporary disability of any of the justices previously designated. Three shall constitute a quorum, and the concurrence of a majority of the justices sitting shall be necessary to a decision. All appeals from judgments and orders in civil cases made by county courts within such departments, and all appeals from judgments and orders made by the city court of the city of New York, the municipal court of the city of New York, the court of special sessions of the city of New York, as such courts now exist, or as hereafter consolidated or reorganized pursuant to this article, and by all other inferior local courts, except courts held by justices of the peace, city magistrates' courts, and courts of special sessions held by one city magistrate only, within such departments, shall be heard at the appellate term. The legislature may enlarge or restrict the jurisdiction of the appellate term. Appeals to the appellate division from judgments or orders of the appellate term may be taken as of right only when the appellate term on reversing or modifying a judgment makes new findings of fact and renders judgment thereon. Appeals to the appellate division also may be allowed by the proper appellate division.

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Section 4. No judge or justice shall sit in the appellate term, appellate division or in the court of appeals in review of a decision made by him or by any court of which he was at the time a sitting member. The testimony in equity cases shall be taken in like manner as in cases at law; and, except as herein otherwise provided, the legislature shall have the same power to alter and regulate the jurisdiction and proceedings in law and in equity that it has heretofore exercised.

Section 5. The official terms of the justices of the supreme court shall be fourteen years from and including the first day of January next after their election. When a vacancy shall occur otherwise than by expiration of term in the office of justice of the supreme court the same shall be filled for a full term, at the next general election, happening not less than three months after such vacancy occurs; and, until the vacancy shall be so filled, the governor by and with the advice and consent of the senate, if the senate shall be in session, or if not in session the governor, may fill such vacancy by appointment, which shall continue until and including the last day of December next after the election at which the vacancy shall be filled.

Section 6. To secure a more simple, speedy and effective administration of justice, it shall be the duty of the legislature to act with all convenient speed upon the report of the board of statutory consolidation transmitted to the legislature by the governor on the twenty-first day of April, one thousand nine hundred and fifteen, and to enact a brief and simple civil practice act and to adopt a separate body of civil practice rules for the regulation of procedure in the court of appeals, supreme court and county courts. The legislature may make the civil practice rules or any part thereof applicable to such other courts as it may provide. Thereafter, from time to time, at intervals of not less than five years, the legislature may appoint a commission to consider and report what changes, if any, there should be in the law and rules governing civil procedure. The legislature shall act on the report of each such commission by a single bill, and the legislature shall not otherwise, or at any other time, enact any law prescribing, regulating or changing the civil procedure in the court of appeals, supreme court or county courts, unless the judges or justices empowered to make and amend civil practice rules shall certify that legislation is necessary.

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After the adoption of the civil practice rules by the legislature under the requirements of the first paragraph of this section, the power to alter and amend such rules and to make, alter and amend civil practice rules shall vest and remain in the courts of the state to be exercised by the judges of the court of appeals and the justices of the appellate divisions of the supreme court, or by such judges or justices of the court of appeals, the supreme court and the county courts as the legislature shall provide.

Section 7. The court of claims is continued and shall be a court of record. It shall consist of the three judges now in office, who shall hold their offices until the expiration of their respective terms, and their successors who shall be appointed by the governor by and with the advice and consent of the senate and who shall hold office for nine years. The legislature may further increase the number of judges of the court of claims by permanent or temporary appointment but not to exceed five in all. The additional judges heretofore appointed shall continue to serve until the first day of January, one thousand nine hundred and eighteen, or such earlier date as shall be determined pursuant to law. The court shall have power to appoint and remove a clerk and such court stenographers and attendants as the legislature may provide. The judges shall continue to receive from the state their present compensation and allowances until the legislature shall otherwise provide. The court shall have the jurisdiction now exercised by it and such additional jurisdiction to hear and determine claims against the state or between conflicting claimants as the legislature may provide. The judges of the court may separately take testimony in relation to any claim, but no award shall be made except by a majority of the whole court. The court may establish rules to govern its own procedure.

Section 8. Supreme court commissioners may be appointed as hereinafter provided, one or more of whom may be designated by the court to determine the compensation to be paid whenever private property is taken for a public use in the judicial department or district for which they shall have been appointed, when such compensation is not made by the state, and who also may respectively be designated as referee whenever issues are properly referred for determination or report, and who shall perform such other or further duties as may be devolved upon them by special order or rule of court by the appellate division or by

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the civil practice rules. The respective appellate divisions in the first and second judicial departments from time to time may appoint for each of the counties therein within the city of New York such commissioners as they deem necessary and, with the approval of the board of estimate and apportionment or its successors, fix their compensation which shall be uniform in each county and a charge against the city of New York. The legislature may at any time authorize the appointment of supreme court commissioners in the third and fourth judicial departments and in the counties in the second department not within the city of New York. Such commissioners shall be members of the bar of not less than ten years standing. They shall not practice as attorneys or counselors in any court of this state or of the United States. They shall hold office during the pleasure of the respective appellate divisions by which they shall have been appointed. Supreme court commissioners during their continuance in office shall not hold any other office or public trust.

Section 9. The court of appeals is continued. It shall consist of the chief judge and associate judges now in office, who shall hold their offices until the expiration of their respective terms, and their successors, who shall be chosen by the electors of the state, and of the three justices of the supreme court now serving as associate judges of the court of appeals by designation by the governor, who shall be associate judges of the court of appeals until the expiration of the terms for which they respectively were elected justices of the supreme court, and their successors who shall be chosen by the electors of the state. The official terms of the chief judge and associate judges shall be fourteen years from and including the first day of January next after their election. No more than seven judges shall sit in any case. Five members of the court shall constitute a quorum, and the concurrence of four shall be necessary to a decision. The court shall have power to appoint and to remove its reporter, clerk and attendants. In case of the temporary absence or inability to act of any judge of the court of appeals, the court may designate any justice of the supreme court to serve as associate judge of the court of appeals, during such absence or inability to act, but for a period not exceeding four months in any year. For the purpose of disposing with reasonable speed of the accumulation of causes now pending in the court of appeals, the court on or before the first day of March, one thousand nine hundred and sixteen, shall designate

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not less than four nor more than six justices of the supreme court to serve as associate judges of the court of appeals until the causes pending on the calendar shall be reduced to one hundred but not later than the thirty-first day of December, one thousand nine hundred and seventeen, when they shall return to the supreme court. While serving in the court of appeals, the justices so designated shall be relieved of their duties as justices of the supreme court. During such period the court of appeals shall sit in two parts, each of which shall consist of not more than seven judges, five of whom shall constitute a quorum, the concurrence of four being necessary to a decision. The chief judge shall from time to time designate the associate judges of the court of appeals and the justices of the supreme court serving as associate judges of the court of appeals to sit in the respective parts of the court, in such manner that the justices of the supreme court so designated shall be distributed as equally as may be between the two parts. The chief judge may preside in either part, and he shall designate the judge who shall preside in either part when he is not present. The causes pending in the court of appeals shall be distributed by the chief judge as nearly equally as may be between the two parts of the court. The court of appeals shall cause a calendar of appeals pending therein to be made and published at least once in each year. Whenever on the first day of January in any year after the present accumulation of causes in the court of appeals shall have been disposed of as above provided, there shall be more than five hundred causes pending undisposed of on the calendar, the court shall in the manner above provided designate justices of the supreme court to serve as associate judges of the court of appeals, and shall sit in two parts; the pending causes shall be distributed between the parts for disposition until the number of causes pending on the calendar shall be reduced to one hundred, but not later than until the expiration of one year from the date of such designations, whereupon the justices so designated shall return to the supreme court.

In case of the death, resignation or other disability of any of the justices of the supreme court designated to serve as associate judges of the court of appeals as in this article provided, the court of appeals shall designate a justice of the supreme court to serve in his place in like manner as if originally so designated. Each of the justices of the supreme court while serving as associate judge of the court of appeals as herein provided shall receive from

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the state the same compensation as the elected associate judges of the court of appeals. Upon the termination of the designation of a justice of the supreme court as associate judge of the court of appeals who when so designated was a justice of an appellate division, he shall return to such appellate division unless the term of his designation thereto shall have expired and shall not have been renewed by the governor. The appellate division may designate other justices of the supreme court to sit in the appellate division during the absence of regularly assigned justices of such division serving as associate judges of the court of appeals, in case the business of the appellate division shall render such action necessary.

Section 10. When a vacancy shall occur otherwise than by expiration of term, in the office of chief or associate judge of the court of appeals, the same shall be filled, for a full term, at the next general election happening not less than three months after such vacancy occurs; and until the vacancy shall be so filled, the governor, by and with the advice and consent of the senate, if the senate shall be in session, or if not in session the governor may fill such vacancy by appointment. If any such appointment of chief judge shall be made from among the associate judges, a temporary appointment of associate judge shall be made in like manner; but in such case, the person appointed chief judge shall not be deemed to vacate his office of associate judge any longer than until the expiration of his appointment as chief judge. The powers and jurisdiction of the court shall not be suspended for want of appointment or election, when the number of judges is sufficient to constitute a quorum. All appointments under this section shall continue until and including the last day of December next after the election at which the vacancy shall be filled.

Section 11. After the last day of December, one thousand nine hundred and fifteen, the jurisdiction of the court of appeals, except where the judgment is of death, or where the appellate division on reversing or modifying a judgment makes new findings of fact and renders judgment thereon, shall be limited to the review of questions of law. Appeals may be taken as of right to the court of appeals in the following cases only:

(1) Where the judgment is of death;

(2) From a judgment or order entered upon the decision of an appellate division of the supreme court which finally determines

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an action or special proceeding where is directly involved the construction of the constitution of the state or of the United States, or where one or more of the justices who heard the case dissents from the decision of the court, or where the judgment of the trial court is reversed or modified;

(3) From an order of an appellate division of the supreme court granting a new trial where the appellant stipulates that upon affirmance judgment absolute shall be rendered against him.

The court of appeals may, however, allow an appeal in any case where in its opinion a question of law is involved, which ought to be reviewed.

The legislature may further restrict the jurisdiction of the court of appeals and the right of appeal thereto, but the right to appeal shall not depend upon the amount involved.

The provisions of this section shall not apply to appeals taken to the court of appeals before the last day of December, one thousand nine hundred and fifteen, but the judgments or orders appealed from shall be reviewed under existing provisions of law.

The court of appeals may determine the qualifications and prescribe the rules regulating the admission to practice of attorneys and counselors in the courts of the state.

Section 12. The judges of the court of appeals and the justices of the supreme court shall not hold any other office or public trust. All votes for any of them, for any other than a judicial office, given by the legislature or the people, shall be void.

Section 13. Judges of the court of appeals and justices of the supreme court may be removed by concurrent resolution of both houses of the legislature, if two-thirds of all the members elected to each house concur therein. All other judicial officers, except justices of the peace and judges or justices of inferior courts not of record, may be removed by the senate, on the recommendation of the governor, if two-thirds of all the members elected to the senate concur therein. But no officer shall be removed by virtue of this section except for cause, which shall be entered on the journals, nor unless he shall have been served with a statement of the cause alleged, and shall have had an opportunity to be heard. On the question of removal, the yeas and nays shall be entered on the journal.

Section 14. No person shall hold the office of judge, justice of any court or surrogate longer than until and including the last day of December next after he shall be seventy years of age. Each justice of the supreme court shall receive from the state an annual

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salary of ten thousand dollars. Those assigned to the appellate divisions in the third and fourth departments shall each receive in addition the sum of two thousand dollars, and the presiding justices thereof the sum of two thousand five hundred dollars per year. The justices now in office or hereafter elected in the first and second judicial departments shall continue to receive from their respective cities, counties or districts, as now provided by law, such additional compensation as will make their aggregate compensation what they are now receiving. Those justices elected in any judicial department other than the first or second, and assigned to the appellate divisions of the first or second departments shall, while so assigned, receive from those departments respectively, as now provided by law, such additional sum as is paid to the justices of those departments. A justice elected in the third or fourth department assigned by the appellate division or designated by the governor to hold a trial or special term in the first or second judicial department shall receive in addition twenty dollars per day for expenses while actually so engaged in holding such term, which shall be paid by the state and charged upon the judicial district where the service is rendered. The compensation herein provided shall be in lieu of and shall exclude all other compensation and allowance to such justices for expenses of every kind and nature whatsoever. The provisions of this section shall apply to the judges and justices now in office and to those hereafter elected. Except in the case of the consolidation of the offices of county judge and surrogate, or to make the compensation of the judges of the court of appeals equal to that of any justice of the supreme court, the compensation of a judge or justice of any court of record in the state shall be neither increased nor decreased during the term of office for which he was elected or appointed.

Section 15. The assembly shall have the power of impeachment, by a vote of a majority of all the members elected. The court for the trial of impeachments shall be composed of the president of the senate, the senators, or the major part of them, and the judges of the court of appeals, or the major part of them. On the trial of an impeachment against the governor or lieutenant-governor, neither the lieutenant-governor nor the temporary president of the senate shall act as a member of the court. The court for the trial of impeachments may order all or any part of the testimony to be taken and reported by a committee composed of

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members of the court, except that the impeached officer must be allowed to testify before the court if he so desire. No judicial officer shall exercise his office, after articles of impeachment against him shall have been preferred to the senate, until he shall have been acquitted. Before the trial of an impeachment the members of the court shall take an oath or affirmation truly and impartially to try the impeachment according to the evidence, and no person shall be convicted without the concurrence of two-thirds of the members present. Judgment in cases of impeachment shall not extend further than to removal from office, or removal from office and disqualification to hold and enjoy any office of honor, trust or profit under this state; but the party impeached shall be liable to indictment and punishment according to law.

Section 16. The existing county courts are continued, and the judges thereof now in office shall hold their offices until the expiration of their respective terms except that the county courts in the counties of Kings, Queens, Richmond and Bronx shall be abolished and the county judges transferred as provided in this article. The number of county judges in any county may be increased, from time to time, by the legislature, to such number that the total number of county judges in any one county shall not exceed one for every two hundred thousand, or major fraction thereof, of the population of such county. The additional county judges whose offices may be created by the legislature shall be chosen at the general election held in the first odd-numbered year after the creation of such office. All county judges, including successors to existing judges, shall be chosen by the electors of the counties for the term of six years from and including the first day of January following their election. Except as in this article otherwise provided county courts shall have the powers and jurisdiction now prescribed by the legislature, and also original jurisdiction in actions for the recovery of money only, where all the defendants reside in the county, and in which the complaint demands judgment for a sum not exceeding three thousand dollars. The legislature may hereafter enlarge or restrict the jurisdiction of the county courts, provided, however, that their jurisdiction shall not be so extended as to authorize an action therein for the recovery of money only, in which (1) the sum demanded exceeds three thousand dollars, or (2) in which any person not a resident of the county is a defendant, unless such defendant have an office for the transaction of business within the county and the cause of

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action arose therein. Every county judge and special county judge in counties having the same shall perform such duties as may be required by law. His salary shall be established by law, payable out of the county treasury. A county judge of any county may hold county courts in any other county when requested by the judge of such other county.

Section 17. The existing surrogates' courts are continued, and the surrogates now in office shall hold their offices until the expiration of their terms. Their successors shall be chosen by the electors of their respective counties, and their terms of office shall be six years, except in the county of New York, where they shall continue to be fourteen years. Surrogates and surrogates' courts shall have the jurisdiction and powers now prescribed by the legislature until otherwise provided by law. The county judge shall be surrogate of his county, except where a separate surrogate has been or shall be elected. In counties having a population exceeding forty thousand, wherein there is no separate surrogate, the legislature may provide for the election of a separate officer to be surrogate, whose term of office shall be six years. When the surrogate shall be elected as a separate officer his salary shall be established by law, payable out of the county treasury. Vacancies occurring in the office of judge of the court of general sessions of the city of New York, judge of the city court of New York, county judge, special county judge or surrogate shall be filled in the same manner as like vacancies occurring in the supreme court. For the relief of surrogates' courts the legislature may confer upon the supreme court in any county having a population exceeding four hundred thousand, the powers and jurisdiction of surrogates. A surrogate of any county may hold a surrogate's court in any other county when requested by the surrogate of such other county. The legislature may at any time consolidate the offices of county judge and surrogate in any county.

Section 18. The legislature may, on application of the board of supervisors, provide for the election of local officers, not to exceed two in any county, to discharge the duties of county judge and of surrogate, in cases of their inability or of a vacancy, and in such other cases as may be provided by law, and to exercise such other powers in special cases as are or may be provided by law.

Section 19. The electors of the several towns shall, at their

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annual town meetings, or at such other time and in such manner as the legislature may direct, elect justices of the peace, whose term of office shall be four years. In case of an election to fill a vacancy occurring before the expiration of a full term, they shall hold for the remainder of the unexpired term. Their number, classification and duties shall be regulated by law. Justices of the peace and judges or justices of inferior courts not of record, and their clerks, may be removed for cause, after due notice and an opportunity of being heard by such courts as are or may be prescribed by law. Justices of the peace, city magistrates and all other judicial officers whose election or appointment is not otherwise provided for in this article may be elected in the several cities of this state, or in any boroughs contained within a city, or within districts created for that purpose or may be appointed by some local authorities of the several cities, in such manner and with such powers and for such terms, respectively, as are or may be prescribed by law. The boards of supervisors or other officials exercising power now vested in such boards may fix the compensation to be paid or allowed to justices of the peace in towns and cities for their services in criminal matters.

Section 20. The court of general sessions in and for the city and county of New York is continued, and from and after the first day of January, one thousand nine hundred and seventeen, it shall have the same jurisdiction and powers throughout the city of New York, under the name of the court of general sessions of the city of New York, as it now possesses within the county of New York. It shall consist of the judges then in office and the judges transferred thereto by this section, all of whom shall continue to be judges of the court of general sessions of the city of New York for the remainder of the terms for which they respectively were elected or appointed. The county courts of Kings, Queens, Richmond and Bronx are abolished from and after the first day of January, one thousand nine hundred and seventeen. The judges of such courts then in office shall for the remainder of the terms for which they were elected or appointed, be judges of the court of general sessions of the city of New York. The successors to the judges who were elected or appointed as judges of the court of general sessions in and for the city and county of New York shall be elected by the electors within the county of New York, and the successors to the judges who were elected or appointed as judges of the county courts of Kings, Queens, Richmond and

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Bronx, respectively, shall be elected by the electors within each of such respective counties, so that the court of general sessions of the city of New York shall consist of seven judges resident in and elected by the electors within the county of New York, five judges resident in and elected by the electors in the county of Kings, and one judge resident in and elected by the electors in each of the counties of Queens, Richmond and Bronx. The legislature may in its discretion authorize the election of one additional judge to reside in and be chosen by the electors in the county of Bronx. The judges who were elected or appointed as judges of the court of general sessions in and for the city and county of New York, and the judges elected or appointed as judges of the county court of the counties of Kings, Queens, Richmond and Bronx, shall until the expiration of the term for which they were appointed or elected, be respectively paid by the city, the compensation now fixed by law. The successors of all of the judges of the court of general sessions of the city of New York shall be elected as hereinafter provided for a term of fourteen years, and their compensation shall be fixed by the legislature. The judges of the court of general sessions of the city of New York shall choose one of their own number to be the presiding judge thereof, who shall act as such for a period of five years or until the earlier expiration of his term of office, and who shall be charged with the general administration of the court, and assign the judges to hold the terms thereof, subject to such regulations as the presiding justices of the appellate divisions of the supreme court in the first and second departments shall from time to time prescribe. The judges shall have power to appoint and remove a clerk, who shall keep his office at a place to be designated by the court. All criminal prosecutions and proceedings on the first day of January, one thousand nine hundred and seventeen, pending in such county courts shall thereupon be transferred to the court of general sessions of the city of New York for hearing and determination at terms held within the counties in which the same are pending. Until the legislature shall otherwise provide the clerk of the court of general sessions in and for the city and county of New York and the chief clerk of the county court in each of the counties of Kings, Queens, Richmond and Bronx, shall act within his county as clerk of the court of general sessions of the city of New York, and the presiding judge of such court shall make such rules

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and regulations respecting such clerks' offices and the distribution of the business of the court in the said several counties as from time to time may be expedient.

Section 21. The city court of the city of New York is continued, and from and after the first day of January, one thousand nine hundred and seventeen, it shall have the same jurisdiction and power throughout the city of New York, under the name of the city court of New York, as it now possesses within the county of New York and the county of Bronx and original jurisdiction in actions for the recovery of money only in which the complaint demands judgment for a sum not exceeding three thousand dollars. Such court shall have likewise the equity jurisdiction now possessed by county courts but such jurisdiction shall be exercised only within the respective counties of such city by the judges elected within such counties. It shall consist of the judges then in office who shall continue to be judges of the court for the remainder of the terms for which they respectively were elected or appointed, and the additional judges to be elected as provided in this section. The judges who were elected or appointed as judges of the city court of the city of New York, until the expiration of the terms for which they were respectively elected or appointed, shall be paid the salaries now fixed by law for such judges. Their successors shall be elected by the electors of the county of New York and shall hold office for ten years. There shall also be five additional judges, two of whom shall reside in and be chosen by the electors of the county of Kings, and one of whom shall reside in and be chosen by the electors in each of the counties of Bronx, Richmond and Queens, all of whom shall be elected at the general election in November, one thousand nine hundred and sixteen, and they and their successors, who shall be chosen in like manner, shall hold office for ten years. Until the legislature shall otherwise provide the judge of the city court chosen in the county of Richmond shall be surrogate of that county. The legislature may provide for a surrogate for the county of Richmond. The legislature may in its discretion authorize the election of two additional judges, one to reside in and be chosen by the electors of the respective counties of Bronx and Kings. The judges elected as in this section provided shall receive from the city a compensation to be fixed by the legislature. The judges of the city court of New York shall choose one of their own number to be the presiding judge thereof who shall be charged with the general administration

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of the court and assign the judges to hold the terms thereof, subject to such regulations as the presiding justices of the appellate divisions of the supreme court in the first and second departments shall from time to time prescribe. The judges shall have power to appoint and remove a clerk, who shall keep his office at a place to be designated by the court. All civil actions or proceedings on the first day of January, one thousand nine hundred and seventeen, pending in the county courts of the counties of Kings, Queens, Richmond and Bronx, respectively, shall thereupon be transferred to the city court of New York for hearing and determination, which court for the purpose only of such hearing and determination and the enforcement of the judgments rendered thereon shall have and exercise the jurisdiction previously vested in the respective county courts from which such cases are so transferred, at terms held within the counties in which the same are pending. Until the legislature shall otherwise provide, the clerk of the city court of the city of New York and the chief clerk of the county court in each of the counties of Kings, Queens, Richmond and Bronx, shall act within his county as clerk of the city court of New York, and the presiding judge of the court shall make such rules and regulations respecting the clerks' offices and the distribution of the business of the court in the said several counties as from time to time may be expedient, subject to regulations of the presiding justices of the first and second departments as aforesaid.

Section 22. Inferior local courts of civil and criminal jurisdiction may be established by the legislature, but no inferior local court created after the first day of January, one thousand eight hundred and ninety-five, shall be a court of record. Except as herein provided the legislature shall not hereafter confer upon any inferior local court of its creation any equity jurisdiction or any greater jurisdiction in other respects than is conferred upon county courts by or under this article.

The legislature may, however, provide that the territorial jurisdiction of any inferior local court now existing or hereafter established in any city or village or of justices of the peace in cities shall extend throughout the county in which such court or justice is located, and also throughout such city or village irrespective of town or county lines. The legislature may also create civil divisions consisting of not to exceed three contiguous towns or parts thereof for the purpose of establishing therein inferior local courts

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having territorial jurisdiction throughout the county or counties in which such towns are situated. The legislature may confer upon any inferior local court power to try without a jury offenses of the grade of misdemeanor. The legislature may establish children's courts, and courts of domestic relations, as separate courts, or parts of existing courts or courts hereafter to be created, and may confer upon them such equity and other jurisdiction as may be necessary for the correction, protection, guardianship and disposition of delinquent, neglected or dependent minors, and for the punishment and correction of adults responsible for or contributing to such delinquency, neglect or dependency, and of all persons legally chargeable with the support of a wife or children who abandon or neglect to support either. In the exercise of such jurisdiction such courts may hear and determine such causes, with or without a jury, except those involving a felony. Except as in this article otherwise provided, all judicial officers shall be elected or appointed at such times and in such manner as the legislature may direct.

Section 23. Clerks of the several counties shall be clerks of the supreme court, with such powers and duties as shall be prescribed by law. The justices of the appellate division in each department shall have power to appoint and to remove a clerk who shall keep his office at a place to be designated by such justices. The clerk of the court of appeals shall keep his office at the seat of government. The clerk of the court of appeals and the clerks of the appellate divisions shall receive compensation to be established by law and paid out of the public treasury.

Section 24. No judicial officer, except justices of the peace, shall receive to his own use any fees or perquisites of office; nor shall any judge of the court of appeals, or justice of the supreme court, or any county judge or surrogate hereafter elected in a county having a population exceeding one hundred and twenty thousand, practice as an attorney or counselor in any court of record in this state, or act as referee. The legislature may impose a similar prohibition upon county judges and surrogates in other counties. No one shall be eligible to the office of judge of the court of appeals, justice of the supreme court, or, except in the county of Hamilton, to the office of county judge or surrogate, who is not an attorney and counselor of this state.

Section 25. The legislature shall provide for the speedy publication of all statutes, civil practice rules and rules of court, and

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the collection, compilation and publication annually of the civil and criminal judicial statistics of the state, and shall regulate the reporting of the decisions of the courts; but all laws and judicial decisions shall be free for publication by any person.

Section 26. Justices of the peace and other local judicial officers provided for in sections nineteen and twenty-two, in office when this article takes effect, shall hold their offices until the expiration of their respective terms.

Section 27. Courts of special sessions and inferior local courts of similar character shall have such jurisdiction of offenses of the grade of misdemeanors as may be prescribed by law.

Section 28. Commissioners of jurors now in office shall hold their offices until the expiration of their respective terms. The legislature may provide for the appointment of a commissioner of jurors in any county; in a county in the first and second judicial districts, by the respective appellate divisions of the supreme court embracing those districts, and in a county in the other judicial districts, by the justices of the supreme court resident in the judicial district embracing such county. The legislature shall define the duties of commissioners of jurors, fix their terms of office and their compensation which shall be a county charge.

Section 29. Laws may be passed to provide for a system of judicial authentication, registration and guaranty by the state, or by any county thereof, of titles to real property, the determination of adverse claims to and interests therein, and the establishment by means of fees or otherwise of assurance funds to make such system operative. Such administrative powers as are necessary may be conferred on existing courts of record.

ARTICLE IX.

Section 1. The credit of the state shall not in any manner be given or loaned to or in aid of any individual, association or corporation.

Section 2. The state may contract debts in anticipation of the receipt of taxes and revenues, direct or indirect, for the purposes and within the amounts of appropriations theretofore made; bonds or other obligations for the moneys so borrowed shall be issued as may be provided by law, and shall with the interest thereon be paid from such taxes and revenues within one year from the date of issue.

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Section 3. In addition to the above limited power to contract debts, the state may contract debts to repel invasion, suppress insurrection, or defend the state in war; but the money arising from the contracting of such debts shall be applied to the purpose for which it was raised, or to repay such debts, and to no other purpose whatever.

Section 4. Except the debts specified in sections two and three of this article, no debt shall be hereafter contracted by or in behalf of this state, unless such debt shall be authorized by law, for some single work or object, to be distinctly specified therein. On the final passage of such bill in either house of the legislature, the question shall be taken by yeas and nays, to be duly entered on the journals thereof, and shall be: "Shall this bill pass and ought the same to receive the sanction of the people?" No such law shall take effect until it shall, at a general election, have been submitted to the people, and have received a majority of all the votes cast for and against it at such election nor shall it be submitted to be voted on within three months after its passage nor at any general election when any other law, or any bill shall be submitted to be voted for or against. The legislature may, at any time after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same; and may at any time by law forbid the contracting of any further debt or liability under such law.

Except the debts specified in sections two and three of this article, all debts contracted by the state after the second day of November, one thousand nine hundred and fifteen, pursuant to an authorization therefor, heretofore or hereafter made and each portion of any such debt from time to time so contracted irrespective of the terms of such authorization, shall be paid in equal annual instalments, the first of which shall be payable not more than one year, and the last of which shall be payable not more than fifty years, after such debt or portion thereof shall have been contracted. No such debt hereafter authorized shall be contracted for a period longer than that of the probable life of the work or object for which the debt is to be contracted, to be determined by general laws, which determination shall be conclusive.

The legislature may from time to time alter the rate of interest to be paid upon any state debt which has been or may be authorized pursuant to the provisions of this section or upon any part of such debt, provided, however, that the rate of interest shall not

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be altered upon any part of such debt or upon any bond or other evidence thereof which has been or shall be created or issued before such alteration.

The money arising from any loan creating such debt or liability shall be applied to the work or object specified in the act authorizing such debt or liability, or for the payment of such debt or liability and for no other purpose whatever.

Section 5. The sinking funds provided for the payment of interest and the extinguishment of the principal of the debts of the state heretofore contracted shall be continued; they shall be separately kept and safely invested and neither of them shall be appropriated or used in any manner other than for such payment and extinguishment as hereinafter provided. The comptroller shall each year appraise the securities held for investment in each of such funds at their fair market value not exceeding par. He shall then determine and certify to the legislature the amount of each of such funds and the amounts which, if thereafter annually contributed to each such fund, would, with the fund and with the accumulations thereon and upon the contributions thereto, computed at the rate of three per centum per annum, produce at the date of maturity the amount of the debt to retire which such fund was created, and the legislature shall thereupon appropriate as the contribution to each such fund for such year at least the amount thus certified.

If the income of any such fund in any year is more than a sum which, if annually added to such fund would, with the fund and its accumulations as aforesaid, retire the debt at maturity, the excess income may be applied to the interest on the debt for which the fund was created.

After any sinking fund shall equal in amount the debt for which it was created no further contribution shall be made thereto except to make good any losses ascertained at the annual appraisals above mentioned, and the income thereof shall be applied to the payment of the interest on such debt. Any excess in such income not required for the payment of interest may be applied to the general fund of the state.

The legislature may also by general laws provide means and authority whereby outstanding bonds of the state, for which sinking funds are provided, may be exchanged at par for cancellation, for serial bonds of the form authorized under section four of this article, upon such terms and conditions as to interest and otherwise as it may in its discretion authorize or determine, except that

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the debt as thus refunded shall finally mature no later and at no greater comparative cost to the state than the original debt; the determination of the legislature as to such comparative cost shall be conclusive. No further contributions to the respective sinking funds shall be made on account of bonds so exchanged and the proportion of any such sinking fund which the amount of the bonds so exchanged shall bear to the amount of bonds outstanding of the same issue may be appropriated, as required, for the payment of the substituted serial bonds.

Section 6. The legislature shall annually provide by appropriation for the payment of the interest upon and instalments of principal of all debts created on behalf of the state except those contracted under section two of this article, as the same shall fall due, and for the contribution to all of the sinking funds heretofore created by law, of the amounts annually to be contributed under the provisions of section five of this article. If at any time the legislature shall fail to make any such appropriation, the comptroller shall set apart from the first revenues thereafter received, applicable to the general fund of the state, a sum sufficient to pay such interest, instalments of principal, or contributions to such sinking fund, as the case may be, and shall so apply the moneys thus set apart. The comptroller may be required to set aside and apply such revenues as aforesaid, at the suit of any holder of such bonds.

Section 7. Debts hereafter authorized for the improvement of highways shall be created only in the manner provided in section four of this article. No provision of this article shall be deemed to impair or affect the validity of any debt of the state heretofore contracted or any right or obligation heretofore created between the state and any of its civil divisions.

Section 8. The moneys authorized to be raised by the sale of highway bonds pursuant to the law approved by vote of the people at the general election held in the year one thousand nine hundred and twelve, which have been apportioned to certain counties in excess of the sums, to be determined by the comptroller, which are or will be required to construct and improve the highways theretofore determined by general laws to be constructed and improved in such counties, shall be applied by the superintendent of public works after appropriation by the legislature to the construction and improvement of such state routes and portions thereof, as were defined by law when such bonds were authorized, and located outside of such counties, as it may deem expedient.

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Section 9. Neither the legislature, canal board, nor any person or persons acting in behalf of the state, shall audit, allow, or pay any claim which, as between citizens of the state, would be barred by lapse of time. This provision shall not be construed to repeal any statute fixing the time within which claims shall be presented or allowed, nor shall it extend to any claims duly presented within the time allowed by law, and prosecuted with due diligence from the time of such presentment. But if the claimant shall be under legal disability, the claim may be presented within two years after such disability is removed.

Section 10. The legislature shall not sell, lease or otherwise dispose of the Erie canal, the Oswego canal, the Champlain canal, the Cayuga and Seneca canal, the Black River canal, or canal terminals heretofore or hereafter constructed, nor shall any easement in or incumbrance on such canals or terminals be created; but they shall remain the property of the state and under its management forever. When necessary in the opinion of the superintendent of public works, easements in canal lands may be granted for purposes of bridge construction, provided that such easements shall not interfere with or impair the use of the canals. The canals to which such prohibition applies shall be those now known as the Erie, the Oswego, the Champlain, the Cayuga and Seneca, and the Black River canals until the barge canal improvement under chapter one hundred and forty-seven of the laws of one thousand nine hundred and three, as heretofore amended, and chapter three hundred and ninety-one of the laws of one thousand nine hundred and nine, as heretofore amended, shall have been completed, when such prohibition shall apply only to the said terminals, the Black River canal, the said improved canals, the portions of existing canals heretofore reserved for barge canal or canal terminal purposes by statute, the existing inland Erie canal from Tonawanda creek to connection with the Black Rock harbor, those portions of the Erie and Champlain canals heretofore reserved by chapter two hundred and forty-three of the laws of one thousand nine hundred and thirteen and canal slips numbers one and two in the city of Buffalo; provided, however, that in the city of Utica that portion of the existing Erie canal between Schuyler and Third streets may be sold or otherwise disposed of on condition that a flow of sufficient water from Schuyler to Third street to feed that portion of the canal east of Third street be maintained. The abandonment, sale or other disposition of canals or canal property shall be under and pursuant to general laws

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only and such laws shall secure to the state the fair appraised value of the property which may be abandoned and sold. Such general laws may provide for the abandonment of portions of the existing canals which by reason of the completion of parts of the barge canals shall have become unnecessary for purposes of navigation and shall be certified by the superintendent of public works to have become so.

Real property which has been or which may hereafter be appropriated for canal purposes shall be deemed to be held by the state in fee unless expressly taken for temporary purposes.

The leasing of surplus waters of any of the state canals or canal feeders or of any waters impounded by the construction of dams, reservoirs or other structures shall hereafter be pursuant to general laws only, but this provision shall not authorize the use for other than navigation purposes of water diverted from the Black river watershed to feed the Erie canal. No such lease nor the use of waters thereunder shall in any way injure, impair, interfere with, or endanger navigation or the construction, use, maintenance, operation or safety of the canals or of other property of the state. Each lease shall be for a stated period not exceeding thirty years and shall reserve to the state the right, whenever in the opinion of those having charge of the management and operation of the canals the needs of navigation require it, to terminate or suspend the same and to regulate or alter the amount of water to be used thereunder, together with the corresponding compensation therefor, without incurring liability upon the part of the state.

Section 11. No tolls shall hereafter be imposed on persons or property transported on the canals, but all boats navigating the canals and the owners and masters thereof, shall be subject to such laws and regulations as have been or may hereafter be enacted concerning the navigation of the canals. The legislature shall annually, by equitable taxes, make provision for the expenses of the superintendence and repairs of the canals. All contracts for work or materials on any canal shall be made with the persons who shall offer to do or provide the same at the lowest price, with adequate security for their performance. No extra compensation shall be made to any contractor; but if, from any unforeseen cause, the terms of any contract shall prove to be unjust and oppressive, the canal board may, upon the application of the contractor, cancel such contract.

Section 12. The canals may be improved in such manner as

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the legislature shall provide by law. A debt may be authorized for that purpose in the mode prescribed by section four of this article, or the cost of such improvement may be defrayed by the appropriation of funds from the state treasury, or by equitable annual tax.

The reading of said Constitution, to and including Article IX thereof having been concluded, the Convention adjourned until Friday, September 10th at 10 o'clock A. M.

FRIDAY, SEPTEMBER 10, 1915

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by Right Rev. Thomas F. Cusack.

On motion of Mr. Wickersham, the Journal of Saturday, September 4th, was approved.

Upon the direction of the President, the Secretary called the roll of delegates and the following responded:

Adams	Curran	Harawitz	O'Connor	Smith T F
Ahearn	Dahm	Heaton	Olcott	Standart
Aiken	Daly	Johnson	Ostrander	Steinbrink
Allen F C	Dennis	Jones	Parker	Stimson
Angell	Deyo	Kirby	Parsons	Stowell
Austin	Dick	Landreth	Pelletreau	Tierney
Baldwin	Donnelly	Latson	Phillips S K	Tuck
Bannister	Donovan	Law	Quigg	Unger
Barrett	Dooling	Leary	Reeves	Vanderlyn
Bayes	Doughty	Leggett	Rhees	Wadsworth
Beach	Drummond	Lennox	Richards	Wagner
Bell	Dunlap	Lincoln	Rodenbeck	Ward
Berri	Dunmore	Linde	Rosch	Waterman
Betts	Dykman	Lindsay	Ryan	Webber C A
Blauvelt	Endres	Low	Ryder	Weber R E
Bockes	Eppig	McKean	Sanders	Weed
Brackett	Fancher	Mandeville	Sargent	Westwood
Brenner	Fobes	Marshall	Saxe J G	Whipple
Bunce	Fogarty	Martin F	Schoonhut	White C J
Burkan	Foley	Martin L M	Schurman	Wickersham
Buxbaum	Ford	Mathewson	Sears	Wiggins
Byrne	Frank	Mealey	Sharpe	Williams
Clearwater	Gladding	Mereness	Sheehan	Winslow
Clinton	Greff	Nixon	Shipman	Wood
Cobb	Griffin	Nye	Slevin	Young C H
Coles	Haffen	O'Brian J L	Smith A E	Young F L
Cullinan	Hale	O'Brien M J	Smith R B	President

Upon the direction of the President, the Secretary resumed the

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reading of the engrossed Constitution beginning at Article 10 thereof, in words following:

ARTICLE X.

Section 1. The power of taxation shall never be surrendered, suspended or contracted away, except as to the securities of the state or a civil division thereof. Hereafter no exemption from taxation shall be granted except by general laws and upon the affirmative vote of two-thirds of all the members elected to each house.

Section 2. Taxes shall be imposed by general laws and for public purposes only. The legislature shall prescribe how taxable subjects shall be assessed and provide for officers to execute laws relating to the assessment and collection of taxes, any provision of section two of article thirteen of this constitution to the contrary notwithstanding. The legislature shall provide for the supervision, review and equalization of assessments.

Section 3. For the assessment of real property, heretofore locally assessed, the legislature shall establish tax districts, none of which, unless it be a city, shall embrace more than one county. The assessors therein shall be elected by the electors of such districts or appointed by such authorities thereof as shall be designated by law. The legislature may provide that the assessment roll of each larger district shall serve for all the lesser tax districts within its boundaries. No such tax district larger than a town, except a city, shall be established until the law providing therefor shall have been adopted by a vote of a majority of the electors voting thereon in such proposed district at an election for which provision shall be made by law. The legislature may, however, provide for the assessment by state authorities of all the property of designated classes of public service corporations.

ARTICLE XI.

Section 1. Corporations may be formed under general laws; but shall not be created by special act, except for municipal purposes, and in cases where, in the judgment of the legislature, the objects of the corporation cannot be attained under general laws. All general laws and special acts passed pursuant to this section may be altered from time to time or repealed.

Section 2. Dues from corporations shall be secured by such individual liability of the corporators and other means as may be prescribed by law.

Section 3. The term corporations as used in this article shall

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be construed to include all associations and joint stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships. And all corporations shall have the right to sue and shall be subject to be sued in all courts in like cases as natural persons.

Section 4. The legislature shall, by general law, conform all charters of savings banks, or institutions for savings, to a uniformity of powers, rights and liabilities, and all charters hereafter granted for such corporations shall be made to conform to such general law, and to such amendments as may be made thereto. And no such corporation shall have any capital stock, nor shall the trustees thereof, or any of them, have any interest whatever, direct or indirect, in the profits of such corporation; and no director or trustee of any such bank or institution shall be interested in any loan or use of any money or property of such bank or institution for savings. The legislature shall have no power to pass any act granting any special charter for banking purposes; but corporations or associations may be formed for such purposes under general laws.

Section 5. The legislature shall have no power to pass any law sanctioning in any manner, directly or indirectly, the suspension of specie payments, by any person, association or corporation, issuing bank notes of any description.

Section 6. The legislature shall provide by law for the registry of all bills or notes, issued or put in circulation as money, and shall require ample security for the redemption of the same in specie.

Section 7. The stockholders of every corporation and joint stock association for banking purposes, shall be individually responsible to the amount of their respective share or shares of stock in any such corporation or association, for all its debts and liabilities of every kind.

Section 8. In case of the insolvency of any bank or banking association, the billholders thereof shall be entitled to preference in payment, over all other creditors of such bank or association.

Section 9. Neither the credit nor the money of the state shall be given or loaned to or in aid of any association, corporation or private undertaking. This section shall not, however, prevent the legislature from making such provision for the education and support of the blind, the deaf and dumb, and juvenile delinquents, as to it may seem proper. Nor shall it apply to any fund or property now held, or which may hereafter be held, by the state for educational purposes.

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Section 10. No county, city, town or village shall hereafter give any money or property, or loan its money or credit to or in aid of any individual, association or corporation, or become directly or indirectly the owner of stock in, or bonds of, any association or corporation; nor shall any such county, city, town or village be allowed to incur any indebtedness except for county, city, town or village purposes. This section shall not prevent such county, city, town or village from making such provision for the aid or support of its poor as may be authorized by law.

Section 11. No county or city shall be allowed to become indebted for any purpose or in any manner to an amount which, including existing indebtedness, shall exceed ten per centum of the assessed valuation of the real estate of such county or city subject to taxation, as it appeared by the assessment rolls of such county or city on the last assessment for state or county taxes prior to the incurring of such indebtedness; and all indebtedness in excess of such limitation, except such as now may exist, shall be absolutely void, except as herein otherwise provided. No county or city whose present indebtedness exceeds ten per centum of the assessed valuation of its real estate subject to taxation, shall be allowed to become indebted in any further amount until such indebtedness shall be reduced within such limit. This section shall not be construed to prevent the issuing of certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes for amounts actually contained, or to be contained in the taxes for the year when such certificates or revenue bonds are issued and payable out of such taxes; nor to prevent the city of New York from issuing bonds to be redeemed out of the tax levy for the year next succeeding the year of their issue, provided that the amount of such bonds which may be issued in any one year in excess of the limitations herein contained shall not exceed one-tenth of one per centum of the assessed valuation of the real estate of such city subject to taxation. Nor shall this section be construed to prevent the issue of bonds to provide for the supply of water. All certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes, which are not retired within five years after their date of issue, and bonds issued to provide for the supply of water, and any debt hereafter incurred by any portion or part of a city, if there shall be any such debt, shall be included in ascertaining the power of the city to become otherwise indebted; except that debts incurred by cities of the first class

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after the first day of January, one thousand nine hundred and four, and debts incurred by any city of the second class after the first day of January, one thousand nine hundred and eight, and debts incurred by any city of the third class after the first day of January, one thousand nine hundred and ten, to provide for the supply of water, shall not be so included; and except further that any debt hereafter incurred by the city of New York for a public improvement owned or to be owned by the city, which yields to the city current net revenue, after making any necessary allowance for repairs and maintenance for which the city is liable, in excess of the interest on such debt and of the annual instalments necessary for its amortization may be excluded in ascertaining the power of such city to become otherwise indebted, provided that a sinking fund for its amortization shall have been established and maintained and that the indebtedness shall not be so excluded during any period of time when the revenue aforesaid shall not be sufficient to equal such interest and amortization instalments, and except further that any indebtedness heretofore incurred by the city of New York for any rapid transit or dock investment may be so excluded proportionately to the extent to which the current net revenue received by such city therefrom shall meet the interest and amortization instalments thereof, provided that any increase in the debt incurring power of the city of New York which shall result from the exclusion of debts heretofore incurred shall be available only for the acquisition or construction of properties to be used for rapid transit or dock purposes. The legislature shall prescribe the method by which and the terms and conditions under which the amount of any debt to be so excluded shall be determined, and no such debt shall be excluded except in accordance with the determination so prescribed. The legislature may in its discretion confer appropriate jurisdiction on the appellate division of the supreme court in the first judicial department for the purpose of determining the amount of any debt to be so excluded. No indebtedness of a city valid at the time of its inception shall thereafter become invalid by reason of the operation of any of the provisions of this section. Whenever the boundaries of any city are the same as those of a county, or when any city shall include within its boundaries more than one county, the power of any county wholly included within such city to become indebted shall cease, but the debt of the county, heretofore existing, shall not, for the purposes of this

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section, be reckoned as a part of the city debt. The amount hereafter to be raised by tax for county or city purposes, in any county containing a city of over one hundred thousand inhabitants, or any such city of this state, in addition to providing for the principal and interest of existing debt, shall not in the aggregate exceed in any one year two per centum of the assessed valuation of the real and personal estate of such county or city, to be ascertained as prescribed in this section in respect to county or city debt.

Section 12. The legislature shall provide for the method and limitations under which debts may be contracted by the cities, counties, towns, villages and other civil divisions of the state to the end that such debts shall be payable in annual instalments the last of which shall fall due and be paid within fifty years after such debt shall have been contracted and that no such debt shall be contracted for a period longer than the probable life of the work or object for which the debt is to be contracted.

Section 13. The legislature shall provide for a state board of charities, which shall visit and inspect all institutions, whether state, county, municipal, incorporated or not incorporated, which are of a charitable, eleemosynary, correctional or reformatory character, excepting only such institutions as are hereby made subject to the visitation and inspection of either of the commissions, hereinafter mentioned, but including all reformatories except those in which adult males convicted of felony shall be confined; a state commission in lunacy in which shall remain the management and fiscal control of the state hospitals for the insane (not including institutions for criminals or convicts) except in so far as such management may now or hereafter be delegated by the legislature to local boards of managers, and which shall visit and inspect all institutions, either public or private, used for the care and treatment of the insane (not including institutions for epileptics or idiots); a state commission of prisons which shall visit and inspect all institutions used for the detention of sane adults charged with or convicted of crime, or detained as witnesses or debtors.

Section 14. The members of such board and of such commissions shall be appointed by the governor, by and with the advice and consent of the senate; and any member may be removed from office by the governor for cause, an opportunity having been given him to be heard in his defense.

Section 15. Existing laws relating to institutions referred to in the foregoing sections and to their supervision and inspection, in so far as such laws are not inconsistent with the provisions of

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this constitution, shall remain in force until amended or repealed by the legislature. The visitation and inspection herein provided for, shall not be exclusive of other visitation and inspection now authorized by law.

Section 16. Nothing in this constitution contained shall prevent the legislature from making such provision for the education and support of the blind, the deaf and dumb, and juvenile delinquents, as to it may seem proper; or prevent any county, city, town or village from providing for the care, support, maintenance and secular education, of inmates of orphan asylums, homes for dependent children or correctional institutions, whether under public or private control. Payments by counties, cities, towns and villages to charitable, eleemosynary, correctional and reformatory institutions, wholly or partly under private control, for care, support and maintenance, may be authorized, but shall not be required by the legislature. No such payments shall be made for any inmate of such institutions who is not received and retained therein pursuant to rules established by the state board of charities. Such rules shall be subject to the control of the legislature by general laws.

Section 17. Commissioners of the state board of charities and commissioners of the state commission in lunacy, now holding office, shall be continued in office for the term for which they were appointed, respectively, unless the legislature shall otherwise provide. The legislature may confer upon the commissions and upon the board mentioned in the foregoing sections any additional powers that are not inconsistent with other provisions of this constitution.

ARTICLE XII.

Section 1. The legislature shall provide for the maintenance and support of a system of free common schools, wherein all the children of this state may be educated.

Section 2. The corporation created in the year one thousand seven hundred and eighty-four, under the name of The Regents of the University of the State of New York, is hereby continued under the name of The University of the State of New York. It shall be governed and its corporate powers, which may be increased, modified or diminished by the legislature, shall be exercised, by not less than nine regents.

Section 3. The capital of the common school fund, the capital of the literature fund, and the capital of the United States deposit fund, shall be respectively preserved inviolate. The revenue of

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such common school fund shall be applied to the support of common schools; the revenue of such literature fund shall be applied to the support of academies; and the sum of twenty-five thousand dollars of the revenues of the United States deposit fund shall each year be appropriated to and made part of the capital of such common school fund.

Section 4. Neither the state nor any subdivision thereof, shall use its property or credit or any public money, or authorize or permit either to be used, directly or indirectly, in aid or maintenance, other than for examination or inspection, of any school or institution of learning wholly or in part under the control or direction of any religious denomination, or in which any denominational tenet or doctrine is taught.

ARTICLE XIII.

Section 1. Sheriffs, clerks of counties, district attorneys, and registers in counties having registers, shall be chosen by the electors of the respective counties, once in every three years and as often as vacancies shall happen, except in the counties of New York and Kings, and in counties whose boundaries are the same as those of a city, where such officers shall be chosen by the electors once in every two or four years as the legislature shall direct. Sheriffs shall hold no other office, and be ineligible for the next term after the termination of their offices. They may be required by law to renew their security, from time to time; and in default of giving such new security, their offices shall be deemed vacant. But the county shall never be made responsible for the acts of the sheriff. The governor may remove any officer, in this section mentioned, within the term for which he shall have been elected; giving to such officer a copy of the charges against him, and an opportunity of being heard in his defense.

Section 2. All county officers, whose election or appointment is not provided for by this constitution, shall be elected by the electors of the respective counties or appointed by the boards of supervisors, or other county authorities, as the legislature shall direct. All city, town and village officers whose election or appointment is not provided for by this constitution, shall be elected by the electors of such cities, towns and villages, or of some division thereof, or appointed by such authorities thereof, as shall be provided by law. All other officers, whose election or

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appointment is not provided for by this constitution, and all officers, whose offices may hereafter be created by law, shall be elected by the people, or appointed, as may be provided by law.

Section 3. When the duration of any office is not provided by this constitution, it may be declared by law, and if not so declared, such office shall be held during the pleasure of the authority making the appointment.

Section 4. The time of electing all officers named in this article shall be prescribed by law.

Section 5. The legislature shall provide for filling vacancies in office, and in case of elective officers, no person appointed to fill a vacancy shall hold his office by virtue of such appointment longer than the commencement of the political year next succeeding the first annual election after the happening of the vacancy.

Section 6. Provision shall be made by law for the removal for misconduct or malversation in office of all officers, except judicial, whose powers and duties are not local or legislative and who shall be elected at general elections, and also for filling vacancies created by such removal.

Section 7. The legislature may declare the cases in which any office shall be deemed vacant when no provision is made for that purpose in this constitution.

Section 8. No officer whose salary is fixed by this constitution shall receive any additional compensation. Each of the other state officers named in this constitution shall, during his continuance in office, receive a compensation, to be fixed by law, which shall not be increased or diminished during the term for which he shall have been elected or appointed; nor shall he receive to his use any fees or perquisites of office or other compensation.

Section 9. All offices for the weighing, gauging, measuring, culling or inspecting any merchandise, produce, manufacture or commodity whatever, are hereby abolished; and no such office shall hereafter be created by law: but nothing in this section contained shall abrogate any office created for the purpose of protecting the public health or the interests of the state in its property, revenue, tolls or purchases, or of supplying the people with correct standards of weights and measures, or shall prevent the creation of any office for such purposes hereafter.

Section 10. Appointments and promotions in the civil service of the state, and of all the civil divisions thereof, including cities and villages, shall be made according to merit and fitness to be

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ascertained, so far as practicable, by examinations, which, so far as practicable, shall be competitive: provided however, that honorably discharged soldiers and sailors from the army and navy of the United States in the late civil war, who are citizens and residents of this state, shall be entitled to preference in appointment and promotion, without regard to their standing on any list from which such appointment or promotion may be made. Laws shall be made to provide for the enforcement of this section.

ARTICLE XIV.

Section 1. All able-bodied male citizens between the ages of eighteen and forty-five years, who are residents of the state, shall constitute the militia, subject however to such exemptions as are now, or may be hereafter created by the laws of the United States, or by the legislature of this state.

Section 2. The legislature may provide for the enlistment into the active force of such other persons as may make application to be so enlisted.

Section 3. The militia shall be organized and divided into such land and naval, and active and reserve forces, as the legislature may deem proper, provided however that there shall be maintained at all times a force of not less than ten thousand enlisted men, fully uniformed, armed, equipped, disciplined and ready for active service. And it shall be the duty of the legislature at each session to make sufficient appropriations for the maintenance thereof.

Section 4. The governor shall appoint his aides-de-camp and military secretary and the adjutant-general of the state, all of whom shall hold office during his pleasure, their commissions to expire with the term for which the governor shall have been elected; he shall also nominate, and with the consent of the senate appoint, all major generals. The legislature may prescribe the number and qualifications of major generals and aides-de-camp.

Section 5. All other commissioned and non-commissioned officers shall be chosen or appointed in such manner and shall have such qualifications as the legislature may deem most conducive to the improvement of the militia, provided, however, that no law shall be passed changing the existing mode of election and appointment unless two-thirds of the members present in each house shall concur therein.

Section 6. The commissioned officers shall be commissioned by the governor as commander-in-chief. No commissioned officer shall be removed from office during the term for which he shall

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have been appointed or elected, unless by the senate on the recommendation of the governor, stating the grounds on which such removal is recommended, or by the sentence of a court martial, or upon the findings of an examining board organized pursuant to law, or for absence without leave for a period of three months or more.

ARTICLE XV.

Section 1. It shall be the duty of the legislature by general laws to provide for the organization of new cities in such manner as shall secure to them the exercise of the powers granted to cities in this article. Except as to cities having more than one hundred thousand population, it shall be the duty of the legislature to restrict the powers of taxation and assessment so as to prevent abuses in taxation and assessments by any city or incorporated village.

Section 2. The legislature may regulate and fix the wages and, except as otherwise provided in this article, the salaries and may also regulate and fix the hours of work or labor, and make provision for the protection, welfare and safety of persons employed by the state or by any county, city, town, village or other civil division of the state, or by any contractor or subcontractor performing work, labor or services for the state, or for any county, city, town, village or other civil division thereof.

Section 3. Every city shall have exclusive power to manage, regulate and control its property, affairs and municipal government subject to the provisions of this constitution and subject further to the provisions of the general laws of the state, of laws applying to all the cities of the state without classification or distinction, and of laws applying to a county not wholly included within a city establishing or affecting the relation between such a county and a city therein.

Such power shall be deemed to include among others:

(a) The power to organize and manage all departments, bureaus, or other divisions of its municipal government and to regulate the powers, duties, qualifications, mode of selection, number, terms of office, compensation and method of removal of all city officers and employees, including all police and health officers and employees paid by the city, and of all non-judicial officers and employees attached to courts not of record, and to regulate the compensation of all officers not chosen by the electors and of all employees of counties situated wholly within a city except assistants and employees of district attorneys and except officers and employees of courts of record.

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(b) The power, as hereinafter provided, to revise or enact amendments to its charter in relation to its property, affairs or municipal government and to enact amendments to any local or special law in relation thereto. A city may adopt a revised charter or enact amendments to its charter or any existing special or local law in relation to any matter of state concern the management, regulation and control of which shall have been delegated to the city by law, until and unless the legislature, pursuant to the provisions of section four of this article shall enact a law inconsistent therewith. The term "charter" is declared for the purposes of this article to include any general city law enacted for the cities of one class in so far as it applies to such city.

The legislative body of the city may enact such amendments, subject to the approval of the mayor and of the board of estimate and apportionment of the city if any there be; provided, however, that in a city in which any of the members of the board of estimate and apportionment are not elected or in which no such body exists no such amendment shall be enacted without the assent of two-thirds of all members elected to such legislative body. Every such enactment shall embrace only one subject and shall expressly declare that it is such an amendment. Every amendment which changes the framework of the government of the city or modifies restrictions as to issuing bonds or contracting debts shall be submitted to the legislature in the year one thousand nine hundred and sixteen on or before the fifteenth day of March and in any year thereafter during the first week of its next regular session, and shall take effect as law sixty days after such submission unless in the meantime the legislature shall disapprove the same by joint resolution. Every other such amendment shall take effect upon its enactment as above provided without such submission to the legislature.

The legislature by general law shall provide for a public notice and opportunity for a public hearing by the legislative body of the city concerning any such amendment before final action thereon by it.

At the general election in the year one thousand nine hundred and seventeen, and unless its charter after one revision thereof shall otherwise provide, in every eighth year thereafter either at the general or at a special election, every city shall submit to the electors thereof, the question "Shall there be a commission to revise the charter of the city?" and may at the same time choose seven commissioners to revise the city charter in case the question be

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answered in the affirmative, provided, however, that in the city of New York the number of such commissioners shall be sixteen, nine of whom shall be chosen by the electors of the entire city, two by the electors of the borough of Manhattan, two by the electors of the borough of Brooklyn, and one each by the electors of the boroughs of The Bronx, Queens and Richmond respectively. Such revision when completed shall be filed in the office of the city clerk, and not less than six weeks after such filing shall be submitted to the electors of the city at the next ensuing general election or at a special election to be called for that purpose. If such revision be approved by the affirmative vote of the majority of the electors voting thereon such revision shall be submitted to the legislature during the first week of its session in January of the year following the approval thereof, and if not disapproved by the legislature by joint resolution prior to the first day of July thereafter shall thereupon take effect as law except as therein otherwise specified. The legislature shall by general law provide for carrying into effect the provisions of this paragraph.

Every charter revision and every amendment of any provision of law, enacted pursuant to this section, shall be deposited with the secretary of state and published as the legislature may direct.

Section 4. All cities are classified according to the latest federal or state census or enumeration, as from time to time made, as follows: The first class includes all cities having a population of one hundred and seventy-five thousand or more; the second class, all cities having a population of fifty thousand and less than one hundred and seventy-five thousand; the third class, all other cities.

The legislature may delegate to cities for exercise within their respective local jurisdictions such of its powers of legislation as to matters of state concern as it may from time to time deem expedient.

The legislature shall pass no law relating to the property, affairs or municipal government of any city excepting such as is applicable to all the cities of the state without classification or distinction.

The provisions of this article shall not be deemed to restrict the powers of the legislature to pass laws regulating matters of state concern as distinguished from matters relating to the property, affairs or municipal government of cities.

Laws affecting cities in relation to boundaries, water supply, sewerage and public improvements, involving the use of territory

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outside the boundaries of cities, and in relation to the government of cities in matters of state concern and applying to less than all the cities of the state without classification or distinction are defined for the purposes of this article as special city laws. Special city laws shall not be passed except in conformity with the provisions of this section. After any bill for a special city law has been passed by both branches of the legislature, the house in which it originated shall immediately transmit a certified copy thereof to the mayor of each city to which it relates, and within fifteen days thereafter the mayor shall return such bill to the clerk of the house from which it was sent, who, if the session of the legislature at which such bill was passed has terminated, shall immediately transmit the same to the governor with the mayor's certificate thereon, stating whether the city has or has not accepted the same. In every city of the first class, the mayor, and in every other city, the mayor and the legislative body thereof concurrently, shall act for such city as to such bill; but the legislature may provide for the concurrence of the legislative body in cities of the first class. The legislature shall provide for a public notice and opportunity for a public hearing concerning any such bill in every city to which it relates, before action thereon. Such a bill, if it relates to more than one city, shall be transmitted to the mayor of each city to which it relates, and shall not be deemed accepted unless accepted as herein provided, by every such city. Whenever any such bill is accepted as herein provided, it shall be subject as are other bills, to the action of the governor. Whenever, during the session at which it was passed any such bill is returned without the acceptance of the city or cities to which it relates, or within such fifteen days is not returned, it may nevertheless again be passed by both branches of the legislature, and it shall then be subject as are other bills, to the action of the governor. In every special city law which has been accepted by the city or cities to which it relates, the title shall be followed by the words "accepted by the city" or "cities" as the case may be; in every such law which is passed without such acceptance, by the words "passed without the acceptance of the city" or "cities" as the case may be.

Section 5. All elections of city officers, including supervisors and judicial officers of inferior local courts, elected in any city or part of a city, and of county officers elected in the counties of New York, Kings, Queens, Richmond and Bronx, and in all counties whose boundaries are the same as those of a city, except

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to fill vacancies, shall be held on the Tuesday succeeding the first Monday in November in an odd-numbered year, and the term of every such officer shall expire at the end of an odd-numbered year. The terms of office of all such officers elected before the first day of January, one thousand nine hundred and seventeen, whose successors have not then been elected, which under existing laws would expire with an even-numbered year, or in an odd-numbered year and before the end thereof, are extended to and including the last day of December next following the time when such terms would otherwise expire; the terms of office of all such officers, which under existing laws would expire in an even-numbered year, and before the end thereof, are abridged so as to expire at the end of the preceding year. This section shall not apply to elections of any judicial officers, except judges and justices of inferior local courts.

ARTICLE XVI.

Section 1. Members of the legislature, and all officers, executive and judicial, except such inferior officers as shall be by law exempted shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of New York, and that I will faithfully discharge the duties of the office of ———, according to the best of my ability" and all such officers who shall have been chosen at any election shall, before they enter on the duties of their respective offices, take and subscribe the oath or affirmation above prescribed, together with the following addition thereto, as part thereof:

"And I do further solemnly swear (or affirm) that I have not directly or indirectly paid, offered or promised to pay, contributed, or offered or promised to contribute any money or other valuable thing as a consideration or reward for the giving or withholding a vote at the election at which I was elected to said office, and have not made any promise to influence the giving or withholding any such vote" and no other oath, declaration or test shall be required as a qualification for any office or public trust.

Section 2. Any person holding office under the laws of this state, who, except in payment of his legal salary, fees or perquisites, shall receive or consent to receive, directly or indirectly, any thing of value or of personal advantage, or the promise thereof,

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for performing or omitting to perform any official act, or with the express or implied understanding that his official action or omission to act is to be in any degree influenced thereby, shall be deemed guilty of a felony. This section shall not affect the validity of any existing statute in relation to the offense of bribery.

Section 3. Any person who shall offer or promise a bribe to an officer, if it shall be received, shall be deemed guilty of a felony and liable to punishment, except as herein provided. No person offering a bribe shall, upon any prosecution of the officer for receiving such bribe, be privileged from testifying in relation thereto, and he shall not be liable to civil or criminal prosecution therefor, if he shall testify to the giving or offering of such bribe. Any person who shall offer or promise a bribe, if it be rejected by the officer to whom it was tendered, shall be guilty of an attempt to bribe, which is hereby declared to be a felony.

Section 4. Any person charged with receiving a bribe, or with offering or promising a bribe, shall be permitted to testify in his own behalf in any civil or criminal prosecution therefor.

Section 5. No public officer, or person elected or appointed to a public office, under the laws of this state, shall directly or indirectly ask, demand, accept, receive or consent to receive for his own use or benefit, or for the use or benefit of another, any free pass, free transportation, franking privilege or discrimination in passenger, telegraph or telephone rates, from any person or corporation, or make use of the same himself or in conjunction with another. A person who violates any provision of this section, shall be deemed guilty of a misdemeanor, and shall forfeit his office at the suit of the attorney-general. Any corporation, or officer or agent thereof, who shall offer or promise to a public officer, or person elected or appointed to a public office, any such free pass, free transportation, franking privilege or discrimination, shall also be deemed guilty of a misdemeanor and liable to punishment except as herein provided. No person, or officer or agent of a corporation giving any such free pass, free transportation, franking privilege or discrimination hereby prohibited, shall be privileged from testifying in relation thereto, and he shall not be liable to civil or criminal prosecution therefor if he shall testify to the giving of the same.

Section 6. Any district attorney who shall fail faithfully to prosecute a person charged with the violation in his county of any provision of this article which may come to his knowledge,

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shall be removed from office by the governor, after due notice and an opportunity of being heard in his defense. The expenses which shall be incurred by any county, in investigating and prosecuting any charge of bribery or attempting to bribe any person holding office under the laws of this state, within such county, or of receiving bribes by any such person in said county, shall be a charge against the state, and their payment by the state shall be provided for by law.

ARTICLE XVII.

Section 1. Any amendment or amendments to this constitution may be proposed in the senate and assembly; and if the same shall be agreed to by a majority of the members elected to each of the two houses, after consideration in joint session as hereinafter provided and after the same shall have been printed and upon the desks of the members in its final form for at least five calendar legislative days prior to agreement thereon, such proposed amendment or amendments shall be entered on their journals, and the yeas and nays taken thereon, and referred to the legislature to be chosen at the next general election of senators, and shall be published for three months previous to the time of making such choice. On the first Tuesday following the adoption by either house of the legislature of any proposed amendment to this constitution, the two houses shall convene in joint session for the consideration thereof and thereafter the proposal shall be considered and acted upon by the houses separately. If in the legislature so next chosen, as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, and all the requirements for the original passage thereof shall be observed, then it shall be the duty of the legislature to submit such proposed amendment or amendments to the people for approval at the general election in such manner as the legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors voting thereon, such amendment or amendments shall become a part of this constitution from and after the first day of January next after such approval.

Section 2. The question "Shall there be a convention to revise and amend the constitution?" shall be submitted to the electors of the state at each general election next ensuing the lapse of

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twenty successive years since the last previous submission thereof, and shall be submitted at such other general elections as the legislature may by law provide. In case a majority of the electors voting thereon shall decide in favor of a convention for such purpose, the electors of every senate district of the state, as then organized, shall elect three delegates at the next ensuing general election at which members of the assembly shall be chosen, and the electors of the state voting at the same election shall elect fifteen delegates-at-large. The delegates so elected shall convene at the capitol on the first Tuesday following the completion of the canvass of the votes cast for delegates-at-large at such election and shall continue their session until the business of such convention shall have been completed. Every delegate shall receive for his services the same compensation and the same reimbursement for railroad fare as shall then be annually payable to the members of the assembly. A majority of the convention shall constitute a quorum for the transaction of business, and no amendment to this constitution shall be submitted for approval to the electors as hereinafter provided, unless by the assent of a majority of all the delegates elected to the convention, the yeas and nays being entered on the journal to be kept. The convention shall have the power to appoint such officers, employees and assistants as it may deem necessary, and fix their compensation and to provide for the printing of its documents, journal and proceedings. The convention shall determine the rules of its own proceedings, choose its own officers, and be the judge of the election, returns and qualification of its members. In case of a vacancy, by death, resignation or other cause, of any district delegate elected to the convention, such vacancy shall be filled by a vote of the remaining delegates representing the district in which such vacancy occurs. If such vacancy occurs in the office of a delegate-at-large, such vacancy shall be filled by a vote of the remaining delegates-at-large. Any proposed constitution or constitutional amendment which shall have been adopted by such convention, shall be submitted to a vote of the electors of the state in the manner provided by such convention, at a general election which shall be held not less than ninety days after the adjournment of such convention. Upon the approval of such constitution or constitutional amendments, in the manner provided in the last preceding section, such constitution or constitutional amendments, shall go into effect on the first day of January next after such approval.

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Section 3. The validity of an election upon any amendment or proposed constitution or the question "Shall there be a convention to revise and amend the constitution?" or upon any other question submitted to the electors of the state under this constitution, and the determination whether the proposed amendment, constitution or question has received the number of votes requisite for the adoption of such amendment or constitution or the decision of such question, may be contested in the supreme court by any elector in an action in equity brought within three months after such election against the secretary of state, and the judgment rendered shall be reviewable by the court of appeals.

Section 4. Any amendment proposed by a constitutional convention relating to the same subject as an amendment proposed by the legislature, coincidently submitted to the people for approval, shall, if approved, be deemed to supersede the amendment so proposed by the legislature; provided, however, that, if at the general election held in the year one thousand nine hundred and fifteen, a majority of the electors voting thereon shall have approved and ratified the amendment to section one of article two of the constitution then in force, heretofore proposed by the legislature, section one of article two of this constitution shall be deemed thereby amended so as to embody therein the new matter contained in such proposed amendment so approved. If, at such general election, a majority of the electors voting thereon shall have approved and ratified chapter five hundred and seventy of the laws of one thousand nine hundred and fifteen heretofore submitted to the people pursuant to section four of article seven of the constitution then in force, the same shall take effect notwithstanding any amendment of such constitution, except that, irrespective of the terms of such chapter, the debt so authorized shall be paid in equal annual instalments in conformity with section four of article nine of this constitution.

ARTICLE XVIII.

Section 1. This constitution shall be in force from and including the first day of January, one thousand nine hundred and sixteen, except as herein otherwise provided.

which concluded the reading of said Constitution.

The President stated the question to be upon agreeing to the report of the Committee on Revision and Engrossment and the final adoption of the form of said Proposed Revised Constitution.

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The President put the question on agreeing to said report and the final adoption of the Proposed Revised Constitution, and it was determined in the affirmative.

Those who voted in the affirmative were:

Adams	Dennis	Law	Parker	Steinbrink	
Aiken	Deyo	Leggett	Parsons	Stimson	
Allen F C	Dick	Lennox	Pelletreau	Stowell	
Angell	Doughty	Lincoln	Phillips S K	Tierney	
Austin	Dunlap	Linde	Quigg	Tuck	
Bannister	Dunmore	Lindsay	Reeves	Vanderlyn	
Barnes	Dykman	Low	Rhees	Van Ness	
Barrett	Fancher	McKean	Richards	Wadsworth	
Bayes	Fobes	McKinney	Rodenbeck	Waterman	
Beach	Foley	McLean	Rosch	Webber C A	
Bell	Ford	Mandeville	Ryan	Weber R E	
Bernstein	Franchot	Martin L M	Ryder	Weed	
Berri	Gladding	Marshall	Sanders	Westwood	
Betts	Green	Mathewson	Sargent	Whipple	
Blauvelt	Greff	Mealey	Saxe M	White C J	
Brenner	Haffen	Meigs	Schoonhut	Wickersham	
Buxbaum	Hale	Newburger	Schurman	Wiggins	
Byrne	Heaton	Nicoll D	Sears	Williams	
Clearwater	Hinman	Nixon	Sharpe	Winslow	
Clinton	Johnson	Nye	Shipman	Wood	
Cobb	Jones	O'Brian J L	Slevin	Young C H	
Coles	Kirby	O'Brien M J	Smith E N	Young F L	
Cullinan	Landreth	Olcott	Standart	President	
Curran	Latson	Owen			118

Those who voted in the negative were:

Ahearn	Donnelly	Fogarty	Martin F	Smith A E	
Baldwin	Donovan	Frank	Mereness	Smith R B	
Bockes	Dooling	Griffin	O'Connor	Smith T F	
Bunce	Drummond	Harawitz	Ostrander	Unger	
Burkan	Eisner	Heyman	Saxe J G	Wagner	
Dahm	Endres	Kirk	Sheehan	Ward	
Daly	Eppig	Leary			33

When Mr. Brackett's name was called, he asked to be and was excused from voting.

Mr. Wickersham offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the President and Secretary of the Convention be authorized and directed to attest the Constitution adopted by the Convention on the 10th day of September, 1915, with an appropriate certificate of the Secretary attached thereto as to its adoption and to deliver the same to the Secretary of State for record and deposit in his office, and

Resolved, That for the purpose of further authentication the Constitution be signed by the members present, and that the

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members not in attendance be permitted to fix their signatures thereto in the office of the Secretary of State at any time before the second day of November, 1915.

The President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. Berri, from the Committee on Printing, reported in favor of the adoption of the following resolution:

Resolved, That there be printed for the use of the Convention three hundred additional copies each of the following proposed amendments: Nos. 841, 842, 843, 844, 845, 846, 848, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 862, 863, 864, 865, 866, 868, 869, 870; three hundred additional copies each of Records Nos. 86 and 88, and one hundred additional copies each of Records Nos. 1 and 91.

The President put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative.

Mr. Berri, from the Committee on Printing, reported in favor of the adoption of the following resolution:

Resolved, That the Secretary of this Convention be, and hereby is, directed to have printed under direction of the President such number of copies of Document No. 52 containing the proposed Constitution additional to those already ordered, as may be necessary to supply members of the Convention with such number of copies for distribution as may be desired by members, not however, exceeding in the aggregate 10,000 copies; and, in the event of the demand exceeding the number of copies provided for by this and any preceding resolutions the Secretary is directed to apportion the same among members requesting copies in such manner as the President may direct.

The President put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative.

On motion of Mr. Wickersham, the Convention took a recess until two o'clock and thirty minutes P. M.

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TWO O'CLOCK AND THIRTY MINUTES P. M.

The Convention again convened.

Upon the direction of the President the Secretary called the roll of delegates and the following responded:

Adams	Dick	Johnson	O'Brien M J	Smith T F
Allen F C	Donnelly	Jones	O'Connor	Standart
Angell	Donovan	Kirby	Ostrander	Steinbrink
Austin	Dooling	Landreth	Parker	Stimson
Bannister	Doughty	Latson	Parsons	Stowell
Barnes	Drummond	Law	Pelletreau	Tierney
Barrett	Dunlap	Leary	Phillips S K	Tuck
Bayes	Dunmore	Leggett	Quigg	Unger
Beach	Dykman	Lennox	Reeves	Vanderlyn
Bell	Eisner	Lincoln	Rhees	Van Ness
Bernstein	Endres	Linde	Rodenbeck	Wagner
Berri	Eppig	Lindsay	Rosch	Ward
Betts	Fancher	Low	Ryan	Waterman
Blauvelt	Fobes	McKean	Ryder	Webber C A
Bockes	Fogarty	McKinney	Sanders	Weber R E
Brackett	Foley	McLean	Sargent	Weed
Brenner	Ford	Mandeville	Saxe J G	Westwood
Bunce	Franchot	Martin F	Saxe M	Wheeler
Burkan	Frank	Martin L M	Schoonhut	Whipple
Buxbaum	Gladding	Marshall	Schurman	White C J
Byrne	Green	Mathewson	Sears	Wickersham
Clearwater	Greff	Mealey	Sharpe	Wiggins
Cobb	Griffin	Meigs	Sheehan	Williams
Coles	Haffen	Mereness	Shipman	Winslow
Cullinan	Hale	Nicoll D	Slevin	Wood
Dahm	Harawitz	Nixon	Smith A E	Young C H
Dennis	Heaton	Nye	Smith E N	Young F L
Deyo	Heyman	O'Brian J L	Smith R B	President

Mr. Parsons, from the Special Committee on the Time and Manner of Submission of the Revised Constitution, presented the following report:

REPORT OF SPECIAL COMMITTEE ON THE TIME AND MANNER OF SUBMISSION OF THE REVISED CONSTITUTION

The Special Committee on the Time and Manner of Submission of the Revised Constitution respectfully report the annexed resolution, and recommend its adoption.

HERBERT PARSONS, *Chairman,*
ELIHU ROOT, *ex officio,*
JACOB BRENNER,
D. R. COBB,
FRANK L. YOUNG,
DELANCEY NICOLL.

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Resolved, That the Revised Constitution adopted by this Convention be submitted to the people for their adoption or rejection at the general election to be held on the 2d day of November, one thousand nine hundred and fifteen, in the manner following, that is to say:

The submission shall be in three separate propositions as follows:

First —All of the Revised Constitution not included in the following two propositions.

Second — The proposed amendments to sections 2, 3, 4 and 5 of Article III relating to legislative apportionment.

Third — The proposed new Article X relating to taxation.

There shall be a separate ballot box at each polling place for the reception of the ballots on said propositions.

Official ballots shall be provided at the public expense at each polling place. They shall be endorsed on the back with the words "Revised Constitution Ballot." On the back of each voting section shall be printed the number of the question which it contains. Except as herein provided the ballots shall be in the form prescribed by the Election Law for proposed constitutional amendments and questions submitted. There shall be printed upon the face of each of such official ballots three questions in the following words, that is to say:

"QUESTION NO. 1

Revised Constitution

Shall all of the Revised Constitution submitted by the Constitutional Convention not included in Questions 2 and 3 be approved?

QUESTION NO. 2

Legislative Apportionment

Shall the proposed amendments submitted by the Constitutional Convention to Sections 2, 3, 4 and 5 of Article III relating to legislative apportionment be approved?

QUESTION NO. 3

Taxation

Shall the new Article X submitted by the Constitutional Convention relating to taxation be approved?"

At the left of each question shall appear two voting squares, one above the other, each at least one-half inch square. At the

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left of the upper square shall be printed the word "Yes", and at the left of the lower square shall be printed the word "No". On the stub at the top of the ballot shall be printed the instructions to the voter prescribed by Section 332 of the Election Law as follows:

"**INSTRUCTIONS TO VOTER:**

1. To vote 'Yes' on any question make a cross X mark in the square opposite the word 'Yes'.
2. To vote 'No' make a cross X mark in the square opposite the word 'No'.
3. Mark only with a pencil having black lead.
4. Any other mark, erasure or tear on the ballot renders it void.
5. If you tear, or deface, or wrongly mark this ballot, return it and obtain another."

If a majority of the electors voting on

"**QUESTION NO. 1**

Revised Constitution

Shall all of the Revised Constitution submitted by the Constitutional Convention not included in Questions 2 and 3 be approved?"

shall make a cross mark in the square opposite the word "Yes" then the proposed Revised Constitution shall be the Constitution of the State of New York, except as the same may be modified by the result of the vote upon the second and third questions above specified.

If a majority of the electors voting on

"**QUESTION NO. 1**

Revised Constitution

Shall all of the Revised Constitution submitted by the Constitutional Convention not included in Questions 2 and 3 be approved?"

shall make a cross mark in the square opposite the word "No" then all of the Revised Constitution submitted by Question No. 1 shall be declared rejected, and the present Constitution shall

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remain in force except as the same may be modified by the result of the votes upon the second and third questions above specified.

If a majority of the electors voting on

"QUESTION NO. 2

Legislative Apportionment

Shall the proposed amendments to Sections 2, 3, 4 and 5 of Article III relating to legislative apportionment be approved?'

shall make a cross mark in the square opposite the word "Yes", then the amended sections therein described shall be Sections 2. 3, 4 and 5 of Article III of the Constitution.

If a majority of the electors voting on

"QUESTION NO. 2

Legislative Apportionment

Shall the proposed amendments to Sections 2, 3, 4 and 5 of Article III relating to legislative apportionment be approved?"

shall make a cross mark in the square opposite the word "No", then the said amendments shall be declared rejected, and Sections 2, 3, 4 and 5 of Article III of the present Constitution shall remain in force and effect.

If a majority of the electors voting on

"QUESTION NO. 3

Taxation

Shall the proposed new Article X relating to taxation be approved?"

shall make a cross mark in the square opposite the word "Yes", then the proposed amendment shall be Article X of the Revised Constitution, provided, however, that if that part of the Revised Constitution submitted by Question No. 1 be rejected, then the said proposed amendment shall be Article VIIa of the Constitution, and the reference in Section 2 thereof to Section 2 of Article XIII shall be deemed to refer to Section 2 of Article X of the present Constitution, and the said Article VIIa shall be deemed to be amended accordingly.

If a majority of the electors voting on

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"QUESTION NO. 3

Taxation

"Shall the proposed new Article X relating to taxation be approved?"

shall make a cross mark in the square opposite the word "No", then the said amendment shall be declared rejected, and if that part of the Revised Constitution submitted by Question No. 1 be approved, Articles XI, XII, XIII, XIV, XV, XVI, XVII and XVIII of the Revised Constitution shall be Articles X, XI, XII, XIII, XIV, XV, XVI and XVII thereof respectively.

Chapter 668 of the Laws of 1915 relating to the notice, distribution and publication of amendments to the Constitution submitted by the Constitutional Convention to the people for approval at the general election of 1915, is hereby approved and made the act of this Convention, and the Secretary of State, the Attorney-General and all other officers mentioned in said act are hereby authorized and directed to comply with the provisions thereof.

But no failure of notice, distribution or publication as therein provided shall invalidate or affect the submission of the said propositions to the people as hereinbefore prescribed or the results of their action thereon.

The provisions of the Election Law in regard to the counting and canvassing of votes on proposed constitutional amendments and questions submitted shall apply to the counting and canvassing of votes on the questions above specified except as herein otherwise provided.

Mr. Foley moved to amend the resolution reported by said committee as follows:

Page 3, line 12, strike out "X relating to taxation" and insert "XV, sections 1, 2 and 3 thereof relating to municipal government".

Page 4, line 2, strike out "taxation" and insert "municipal government". Line 3, strike out "X" and insert "XV, sections 1, 2 and 3 thereof". Line 4, strike out "taxation" and insert "municipal government".

Page 5, line 5, strike out "taxation" and insert "municipal government". Line 32, strike out "X" and insert "XV, sections 1, 2 and 3", and strike out "taxation" and insert "municipal government".

Page 6, line 12, strike out "taxation" and insert "municipal government". Line 13, strike out "X" and insert "XV, sections 1, 2 and 3 thereof"; strike out "taxation" and insert "municipal government".

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The President put the question whether the Convention would agree to said motion and it was determined in the negative.

Mr. J. G. Saxe moved to amend said resolution by inserting at end of page six "The determination whether any of the three questions has received the number of votes requisite for the adoption thereof may be contested in the Supreme Court by any elector in an action in equity brought within three months after such election against the Secretary of State and the judgment rendered shall be reviewable by the Court of Appeals."

The President put the question whether the Convention would agree to said motion and it was determined in the affirmative.

Mr. Wiggins moved to amend said resolution by substituting therefor the following:

Resolved, That each article of the Constitution, as adopted by this Convention, be submitted to the electors of the state separately so as to permit an affirmative or negative vote upon each article.

The President put the question whether the Convention would agree to said motion and it was determined in the negative.

Mr. Quigg moved to amend said resolution by substituting therefor the following:

Resolved, That the Revised Constitution adopted by this Convention be submitted to the people for their adoption or rejection at the general election to be held on the 2nd day of November, one thousand nine hundred and fifteen, in the manner following, that is to say:

The submission shall be in one proposition as follows:

Shall the Revised Constitution be adopted?

The President put the question whether the Convention would agree to said motion and it was determined in the negative.

Mr. Brackett moved to amend said resolution by striking out question No. 2 thereof.

The President put the question whether the Convention would agree to said motion and it was determined in the negative.

Mr. Barnes moved to amend said resolution as follows:

Resolved, That Section 29 of Article III be submitted as question 4, and

Resolved, That Article I and Section 19 be submitted as question 5.

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The President put the question whether the Convention would agree to said motion and it was determined in the negative.

The President then put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative,

Mr. Wickersham offered for the consideration of the Convention a resolution in the words following:

Resolved, That the resolution of the Convention this day adopted prescribing the time and manner of submission of the Revised Constitution heretofore adopted by the Convention be authenticated by the signatures of the President and Secretary of the Convention and be filed by them in the office of the Secretary of State.

The President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. Wickersham, from the special committee appointed to prepare an address to the people of the State, presented the following report:

REPORT OF SPECIAL COMMITTEE TO PREPARE AND REPORT A FORM OF ADDRESS TO THE PEOPLE

To the Convention:

The Committee appointed pursuant to resolution adopted on September 3, 1915, to prepare and report to the Convention a form of address to the people of the State, beg leave to report the annexed proposed address and to recommend its adoption by the Convention.

Dated, Albany, September 10, 1915.

GEO. W. WICKERSHAM,
Chairman.
SETH LOW,
A. T. CLEARWATER,
J. G. SCHURMAN,
LEDYARD P. HALE.

I concur in recommending the proposed Constitution to the favorable consideration of the electors of the State, except the retention of the present provisions of the existing Constitution respecting the composition of the Senate and Assembly.

MORGAN J. O'BRIEN.

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ADDRESS TO THE PEOPLE OF THE STATE OF NEW YORK

The Delegates of the People of the State of New York in Convention Assembled to revise and amend the Constitution of the State present to the People a revised Constitution of eighteen articles.

We have, in the revised Constitution submitted, retained the general framework of the existing Constitution, and have recommended such modifications as in our opinion are essential to the improvement of the government of the State and to remedy the most striking deficiencies of the existing system.

Besides striking out the obsolete matter, we have considered upwards of 800 amendments proposed, and have adopted 33. The most important of the amendments proposed deal with:

1. The reorganization of the State government on its administrative side into seventeen civil departments, a reduction in the number of elected officers, and provisions for the appointment of all other officers.
2. Provisions affecting the Legislature, designed to remove from it the consideration of local matters and private claims, and to restore it to its true function of enacting laws of general application and of making necessary appropriations for the conduct of the State government.
3. A careful regulation of and change in the method of making appropriations for the expenses of the State, by means of an annual executive budget.
4. Improvements in the method of contracting indebtedness for the purposes of the State, and the substitution of serial for sinking fund bonds.
5. The grant to cities of as large a control of their own municipal government and affairs as is consistent with State sovereignty.
6. Authority in the Legislature, with the approval of the electors of such county, to provide for any county optional forms of government and prohibiting the passage of local or special laws relating to a county, except at the instance of its local authorities.
7. Reform in civil procedure in the courts of the State, and provisions affecting the organization and jurisdiction of

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the courts, designed to prevent delays in the administration of justice and to simplify litigation and make it less expensive.

8. State control over the assessment of taxes on personal and intangible property.

9. The protection of the natural resources of the State under a conservation commission.

10. Provisions for the benefit of wage earners by creating a department of labor and industry, by extending the benefits of the Workmen's Compensation Act to embrace occupational diseases, and by empowering the Legislature to regulate or prohibit manufacturing in tenement houses.

A number of other matters of only less importance than those above referred to also have been embodied in the proposed amendments.

I. The modifications we recommend in the organization of the executive department present to the people a plan for ending the present unsystematic, wasteful and irresponsible State government, under which its executive and administrative agencies are distributed among more than one hundred and fifty bureaus, departments, commissions, boards and officials. Many of these involve duplication of the work of others. We substitute for them a concentration of all such activities into seventeen departments. Of these, two, namely, the Departments of Law and Finance, are to be administered by the Attorney-General and the Comptroller, respectively; four, namely, the Departments of Labor and Industry, Public Utilities, Conservation, and Civil Service, are under the direction of commissions composed of one or more commissioners appointed for terms extending beyond that of the Governor. They are vested with both legislative and administrative functions. For these reasons, the consent of the Senate is required to their appointment by the Governor, and they are made removable by the Governor only for cause and after an opportunity to be heard. The Department of Education is continued under the administration of the University of the State of New York, with powers to be exercised by regents chosen by the two houses of the Legislature voting jointly for terms of nine years, one of them expiring each year. Each of the remaining ten departments is placed under the direction of a responsible head appointed and removable by the Governor.

We have applied the principle of the short ballot, by taking the Secretary of State and the State Treasurer out of the class of

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elective officials, and abolishing the office of State Engineer and Surveyor and transferring his duties to the Department of Public Works, the head of which is to be appointed by the Governor. The elected State officials will thus be the Governor and Lieutenant-Governor, Attorney-General and the Comptroller, all for the term of two years.

We have provided that at the session immediately following the adoption of the Constitution, the Legislature shall provide by law for the appropriate assignment to and among these seventeen several departments, of all the civil administrative and executive functions of the State government, except those of assistants in the office of the Governor; that no new department shall hereafter be created, and that any bureau, board, commission or office hereafter created, except assistants in the office of the Governor, shall be placed in one of the departments so enumerated.

The elective State officials in office at the time the new Constitution takes effect are to continue in office until the end of their respective terms.

II. We have extended the classes of private or local bills which the Legislature is prohibited from passing so as to embrace bills granting to any corporation, association or individual the right to prove a claim against the State, or against any civil division thereof, and bills authorizing any civil division of the State to allow or pay any claim or account. We have forbidden the Legislature to audit or allow any private claim or account against the State or a civil division thereof, while authorizing it to pay such claims and accounts against the State as shall have been audited and allowed according to law. We have provided that no public moneys or property shall be appropriated for the construction or improvement of any building, bridge, dike, canal, feeder, waterway, or other work, until plans and estimates of the cost of such work shall have been filed with the Secretary of State by the Superintendent of Public Works, together with a certificate by him as to whether or not in his judgment the general interests of the State then require that such improvements be made at State expense.

We have abolished the provisions for emergency messages by the Governor, and have required that no bill shall be passed or become a law unless it shall have been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

We have required each house of the Legislature not only to keep a complete journal of its proceedings, but also a record of its debates, and promptly to publish the same from day to day.

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The salary of members of the Legislature was fixed at $1,500 per annum in 1875. In view of the changes in the value of money and the largely increased cost of living during the forty years since that date, we have increased that compensation to $2,500 a year, besides the actual railroad fare of the members paid in going to and returning from their homes not oftener than once a week during the session of the Legislature. An additional reason for this increase was furnished by the argument, earnestly pressed upon us, that many competent and desirable citizens cannot afford to become members of the Legislature at the present rate of compensation. We have also increased the salary of the Governor, after January 1, 1917, to $20,000 a year, as more suitable to the dignity and responsibility of the office of Chief Executive of the State.

III. We have proposed a radical change in the method of providing for the necessary expenditures of the State. Instead of leaving the Legislature to make appropriations without any comprehensive and systematic study of the needs of the various departments of the State government, and the sources of its revenue, leaving to the Governor the power and duty after the adjournment of the Legislature to go over the appropriation bills and cut out items which appear to him to be unnecessary or improper, we have sought to restore the true American ideal which accords with the genius and history of our institutions, by requiring the preparation by the heads of departments in advance of each legislative session of itemized estimates of appropriations to meet the financial needs of each department for the ensuing year, and the preparation by the Governor, after public hearing, for submission to the Legislature, of a complete budget or plan of proposed expenditures and estimated revenues. We give to the Governor and the heads of the departments the right to appear before the Legislature and be heard respecting the budget, and make it their duty so to appear if requested by either house. We give to the Legislature the power to reduce or eliminate, but not to increase any item in such proposed budget. The appropriation bills enacted after this procedure are to become laws without the Governor's approval. Appropriations for the expenses of the judiciary and the Legislature are left subject to the Governor's veto power as at present. We have sought by these provisions to substitute responsible for irresponsible government; appropriations based upon thorough investigation, comprehensive information, and in the light of informed public discussion followed by deliberate action in the early period of the legislative session, for the present complex, irresponsible system of legislation, often by secret conference

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in committee and hurried enactment with the aid of emergency messages in the closing hours of the session. We believe that these provisions must lead to the elimination of many useless or improvident expenditures, and result in a greater economy in the administration of the State finances.

IV. We have also recommended provisions changing the present cumbersome, uncertain and costly system of providing sinking funds for the retirement of bonds issued by the State, by requiring all bonds of the State to be issued in serials not extending beyond the estimated life of the work or improvement for which the debt is contracted, payable in equal annual installments, and therefore requiring no sinking funds.

V. We have proposed as large a measure of Home Rule for the cities of the State as is consistent with the recognition and retention of the sovereignty of the State. We provide that every city shall have the exclusive power to manage, regulate and control its own property, affairs and municipal government. Such power shall include, among others, the right to organize and manage the departments of the city government, and to regulate the compensation and method of removal of all city officers and employees, thus enabling them to obtain what is just and fair, both for themselves and the taxpayers, without the necessity in the first instance of application to the State Legislature. As a last resort, or as a matter of State policy, the Legislature retains power to redress just grievances by the enactment of laws applicable to all the cities of the State without classification or distinction. We make it the duty of the Legislature by general laws to provide for the organization of new cities in such manner as to secure to them the exercise of powers thus granted. We provide a method for the adoption by existing cities of new charters for the exercise of such powers, which charters must be submitted to the Legislature and become effective if not disapproved by it. Among the powers so granted is that of adopting amendments to charters; but amendments which change the framework of the city government, or modify restrictions as to issuing bonds or contracting debts, must be submitted to the Legislature, and shall take effect as law sixty days after such submission, unless in the mean time the Legislature shall disapprove the same by joint resolution. We prohibit the Legislature from passing any law relating to the property, affairs or municipal government of a city, except such as is applicable to all the cities of the State without classification or distinction, and we empower the Legislature to delegate to the cities, for exercise within their respective local

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jurisdictions, such of its powers of legislation as to matters of State concern as it may from time to time deem expedient. We also require the Legislature to provide for the method and limitations under which debts may be contracted by the cities, counties, towns, villages and other civil divisions of the State, to the end that such debts shall be payable in annual instalments, the last of which shall fall due and be paid within fifty years after such debts shall have been contracted, and in no event for a period longer than the probable life of the work or object for which it is to be contracted.

VI. We authorize the Legislature by general law to establish different forms of government for any county not wholly included within a city, to become effective only when approved by the electors of the county, and to confer upon any elective or appointive county officer or officers any of the powers and duties now exercised by the towns in any county, or by any officer of a town, relating to highways, public safety and the care of the poor. We have provided that no local or special law relating to a county or counties, except those wholly included within a city, shall be enacted, except upon request by resolution of the governing body of the county or counties to be affected. We have also authorized the Legislature by general laws to confer upon the boards of supervisors or other governing bodies of the several counties of the State such further powers of local legislation and administration as the legislature may from time to time deem expedient.

VII. We have sought to remove the basis for complaints of delays and undue expense in the administration of justice, by amendments dealing with (1) rules of procedure, and (2) the organization and jurisdiction of courts and judges. As to the first, we require the Legislature to enact at its next session a short and simple civil practice act which it may not alter or amend, unless at the request of the judges empowered to frame civil practice rules, except at intervals of five years, and then only after report by a commission appointed to consider the subject. We give to the judges of the Court of Appeals and Supreme Court exclusive power to make rules of court to regulate details of civil practice. By these provisions we not only do away with the confused and complicated mass of statutes which constitute the Code of Civil Procedure, but we substitute for a rigid statutory regulation of practice rules of court made to facilitate the progress of litigation without undue technicalities and delays. (2) We recommend an increase in the number of justices composing the Appellate Division of the Supreme Court in the first department from seven to not less than ten nor more than twelve,

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and in the second department from five to seven. To supply this enlarged force, provision is made for the election of two new justices in the first district. In 1914, the Appellate Division in the first department disposed of 1,500 appeals and 840 motions, more than double that of any other court in the State, except the Appellate Division in the second department, which in 1914 decided about 70 per cent. of that number. The changes in organization and increase in the number of justices recommended is essential to cope with this great volume of business.

The number of cases undisposed of in the Court of Appeals has been steadily increasing. It requires more than two years after appeal taken to that court before a case not entitled to preference can be reached for argument. There are now more than 600 cases pending before it. We recommend that the number of permanently elected judges be increased to ten, and that the three Supreme Court justices now sitting in the Court of Appeals by designation of the Governor be continued as associate judges of the court until the expiration of their respective terms, after which their successors shall be elected as associate judges of the Court of Appeals. For the purpose of disposing of the present accumulation of business, we require the Court of Appeals within three months after the Constitution takes effect, to designate for temporary service in that court not less than four nor more than six justices of the Supreme Court, and thereupon to divide the Court of Appeals into two parts each of seven judges, each part having equal jurisdiction to hear and dispose of the cases which shall be distributed between them by the chief judge. When the accumulation of cases has been reduced to 100, but not later than December 31, 1917, the Supreme Court justices are to return to their court and the Court of Appeals is then to resume its normal condition as a single court. Similar provisions are made to deal with accumulations of cases in the future.

In order to facilitate impeachment of officers of the State in proper cases, we have provided that the Legislature, of its own motion, may convene to take action in the matter of the removal of a judge of the Court of Appeals or justice of the Supreme Court; that the Assembly, of its own motion, may convene for the purposes of impeachment, and that the court for the trial of impeachments may order all or any part of the testimony in any case to be taken and reported by a committee composed of members of the court, except that the impeached officer must be allowed to testify before the court if he so desire. Applying the principle that no man shall serve as judge in a cause in the

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outcome of which he has a personal interest, we provide that on the trial of an impeachment of the Governor or Lieutenant-Governor, neither the Lieutenant-Governor nor the Temporary President of the Senate shall act as a member of the court.

We have provided for the appointment by the Appellate Divisions in the first and second departments of Supreme Court Commissioners to act as referees or to determine the compensation to be paid when private property is taken for a public use, and to perform such other duties as may be devolved upon them by special order, rule of court or the civil practice rules.

We have increased the jurisdiction of county courts in common law actions for the recovery of money only from $2,000 to $3,000, and we have authorized the Legislature to confer upon them jurisdiction over actions against non-residents having an office for the regular transaction of business within the county when the cause of action arises within the county.

Recognizing the greatly increased efficiency which has been realized by the consolidation of numerous small courts into single tribunals so organized that their entire judicial force may be kept occupied by the distribution of the business within the jurisdiction of the court among its various terms and parts, we have provided for the extension from and after January 1, 1917, over the whole city of New York, of the jurisdiction of the Court of General Sessions in and for the city and county of New York, the abolition of the county courts of Kings, Queens, Richmond and Bronx and the transfer to the Court of General Sessions of the criminal jurisdiction of those courts. We have also provided for the extension from and after January 1, 1917, over the whole city of the jurisdiction of the City Court of the city of New York, the transfer to it of the civil jurisdiction of the county courts of Kings, Queens, Richmond and Bronx, and the increase of its jurisdiction in common law actions for the recovery of money only to $3,000.

In order to obviate delays in criminal cases we have authorthorized the Legislature to confer upon any inferior local court power to try without a jury offenses of the grade of misdemeanor. We have provided that any person may, in the manner prescribed by law, after examination or commitment by a magistrate, waive indictment and trial by jury on a charge of felony punishable by not exceeding five years imprisonment, or of an indictable misdemeanor, all subsequent proceedings being had by information before a superior court of criminal jurisdiction, or a judge or justice thereof. This will remove a source of

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serious complaint in those counties where there is sometimes a period of three and four months between grand juries, so that a person charged with crime, even if willing to plead guilty, must be held on bail, or kept in prison, until the next session of the grand jury, in order that the formality of indictment may be observed before his plea can be received. We have provided that in any criminal case the party accused shall have the right to at least one appeal. We have also provided that every person shall be entitled to the equal protection of the laws.

To enable the Legislature to deal with delinquent children, not as criminals, but as wards of the State, and to regulate domestic relations on a broader basis than the mere enforcement of penal laws, we have empowered the Legislature to establish children's courts and courts of domestic relations, as separate courts or parts of existing courts or courts hereafter created, and to confer upon them such equity and other jurisdiction as may be necessary for the correction, protection, guardianship and disposition of delinquent, neglected or dependent minors, and for the punishment of adults responsible therefor, and of all persons legally chargeable with the support of wife or children who have abandoned or neglected to support either.

To prevent the constant partisan political legislation affecting the court of claims, we have continued that court as a constitutional tribunal, with appropriate jurisdiction for the hearing and determination of claims against the State.

VIII. We recommend the adoption of a new article respecting taxation, which empowers the Legislature to prescribe how taxable subjects shall be assessed, and to provide for officers to execute laws relating to the assessment and collection of taxes, and for the supervision, review and equalization of assessments. We provide that the power of taxation shall never be surrendered, suspended or contracted away, except as to securities of the State or a civil division thereof, and that hereafter no exemption from taxation shall be granted, except by general laws and upon an affirmative vote of two-thirds of all the members elected to each house.

We recommend provisions under which the Legislature for the assessment of real property heretofore locally assessed may, with the approval of the electors, establish tax districts embracing one county or any part thereof, and make the assessment roll for such district serve for all the lesser tax districts within its boundaries, thus providing a uniform rule of assessment for all purposes throughout the county or district.

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IX. We have provided for a department of conservation, to consist of nine commissioners to serve without compensation and to be appointed for terms to expire in nine successive years, their successors to be appointed for terms of nine years each, one of whom shall reside in each judicial district. This department is charged with the development and protection of the natural resources of the State, the encouragement of forestry and the suppression of forest fires throughout the State, the exclusive care, maintenance and administration of the forest preserve, the conservation, prevention of pollution and regulation of the waters of the State, the protection and propagation of its fish, birds, game, shell-fish and crustacea, except migratory fish of the sea within the limits of the marine district. We continue the provision that the forest preserve shall be forever kept as wild forest lands. We require the Legislature annually to make provision for the purchase of real property within the Adirondack and Catskill parks, the reforestation of lands and the making of boundary and valuation surveys, and we provide that the violation of any of the provisions of the article dealing with conservation may be restrained at the suit of the people, or of any citizen.

X. We have recognized the needs of the wage earning class of our people; (1) by creating the Department of Labor and Industry as one of the civil departments of the State government, at the head of which is to be an Industrial Commission or Commissioner as may be provided by law; (2) by including in the amended constitution the provisions of the Workmen's Compensation amendment adopted in 1913, and extending its provisions so as to embrace compensation for injury or death resulting from occupational diseases of employees, and (3) by conferring upon the Legislature power to regulate or prohibit manufacturing in tenement houses.

XI. We have extended the existing constitutional prohibition against the sale, lease or other disposition of the Erie and other canals so as to embrace canal terminals heretofore or hereafter constructed, and we have provided that the abandonment, sale or other disposition of canals or canal property which shall cease to be a portion of the canal system of the State, shall be only under and pursuant to general laws which shall secure to the State a fair appraised value of the property abandoned or sold. We provide that the Legislature by general, not special laws, may provide for the lease of surplus waters of the State canals.

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XII. We have continued with but slight changes the provisions of the existing Constitution respecting the composition of the Senate and Assembly, and the reapportionment of their members according to the number of inhabitants of the State, exclusive of aliens. We provide that such reapportionment, after the year 1916, shall be based upon the Federal census, unless the same shall not be available; and, in conformity with the home rule principle in its application to counties, we provide that in any city embracing an entire county, or more than one county, and having no board of supervisors, the members elected from such county to the board of aldermen, or other body most nearly exercising the powers of the board of aldermen, shall meet and divide such county into assembly districts according to the rule prescribed by the Constitution.

XIII. We leave unchanged the provisions in the present Constitution requiring the State to provide for the maintenance and support of a system of free common schools wherein all the children of the State may be educated, and forbidding the use of the property, credit or money of the State directly or indirectly for the aid or maintenance of any school or institution wholly or in part under the control or direction of any religious denomination.

XIV. We have not deemed it expedient to recommend provisions making more difficult the adoption of amendments to the Constitution; but in order that the attention of the public may be directed to any attempts at amendment, we have provided that in case any proposed amendment to the Constitution shall be adopted by either house of the Legislature, on the first Tuesday following such adoption, the two houses shall convene in joint session for the consideration thereof, and that thereafter the proposal shall be considered and acted upon by the two houses separately, and that such proposal shall not be passed until after it shall have been printed and upon the desks of the members in its final form for at least five calendar legislative days prior to final action.

XV. Other provisions not herein specifically enumerated have been adopted by us as desirable amendments to the existing Constitution. We earnestly recommend all of these proposals to the favorable consideration of the electors of the State, believing that their adoption will result in a very great improvement in the government of the State and its civil divisions, and thus promote the welfare of all of its inhabitants.

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The President put the question whether the Convention would agree to said report and resolution, and it was determined in the affirmative.

Those who voted in the affirmative were:

Adams	Deyo	Lincoln	Parker	Steinbrink
Aiken	Doughty	Lindsay	Parsons	Stimson
Allen F C	Dunlap	Low	Pelletreau	Tierney
Angell	Fancher	McKean	Phillips S K	Tuck
Barrett	Fobes	McKinney	Reeves	Van Ness
Bayes	Franchot	McLean	Rhees	Waterman
Beach	Gladding	Mandeville	Rodenbeck	Webber C A
Bell	Greff	Martin L M	Ryder	Westwood
Bernstein	Hale	Marshall	Sanders	Whipple
Berri	Heaton	Mathewson	Sargent	White C J
Brenner	Hinman	Mealey	Saxe M	Wickersham
Buxbaum	Johnson	Meigs	Schoonhut	Williams
Clearwater	Jones	Newburger	Schurman	Winslow
Cobb	Landreth	Nicoll D	Sears	Wood
Coles	Latson	Nixon	Sharpe	Young C H
Cullinan	Law	O'Brian J L	Smith E N	Young F L
Curran	Leggett	O'Brien M J	Standart	President
Dennis	Lennox	Owen		88

Those who voted in the negative were:

Austin	Daly	Eppig	Kirby	Sheehan
Baldwin	Dick	Fogarty	Kirk	Shipman
Barnes	Donnelly	Foley	Leary	Slevin
Blauvelt	Donovan	Ford	Martin F	Smith R B
Bockes	Dooling	Frank	Ostrander	Smith T F
Brackett	Drummond	Green	Quigg	Stowell
Bunce	Dunmore	Griffin	Rosch	Unger
Burkan	Dykman	Harawitz	Ryan	Ward
Byrne	Eisner	Heyman	Saxe J G	Weed
Dahm	Endres			47

Mr. Wickersham offered for the consideration of the Convention a resolution in the words following:

Resolved, That the address to the people now adopted be authenticated by the President and Secretary of the Convention and filed by them in the office of the Secretary of State; that in addition to the number provided for in Rule 70 and the distribution thereof provided for in Rule 71, 20,000 copies thereof be printed as a Convention document; that 100 copies be distributed to each delegate and the remaining copies be disposed of as the President may direct.

The President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. Wickersham offered for the consideration of the Convention a resolution in the words following:

Resolved, That the President of the Convention be and he

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hereby is authorized to designate some suitable person or persons to revise and index the Record of the Convention and to index the Journal, documents, and the Proposed Constitutional Amendments and that the expense incurred for such services (not exceeding $5,000) be paid out of the moneys heretofore appropriated for the expenses of the Convention upon vouchers signed by the President or the Vice-President of the Convention and by the Secretary or the Assistant Secretary designated by the Secretary for that purpose. The work to be done under the supervision and approval of a committee of three members of the Convention to be appointed by the President.

Further Resolved, That the revised Record, Journal and documents be printed and bound under the Convention printing contract; that the printed and bound copies be delivered to the State Library for distribution to delegates, libraries, educational institutions, and otherwise, and that the sum of ten thousand dollars ($10,000), or so much thereof as shall be necessary, be paid for such printing and binding out of the unexpended balance of the appropriation of the expenses of the Convention.

The President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. Wickersham offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Assistant Secretary charged with winding up the business of the Convention deposit all books, records, and papers of the Convention not required to be filed with the Secretary of State, or otherwise provided for by the orders of the Convention, in the State Library.

The President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. Wickersham offered for the consideration of the Convention a resolution, in the words following:

Resolved, That all stationery, supplies and material purchased for the Convention and remaining after the close of its business be delivered to the Superintendent of Buildings to be disposed of as the Legislature shall provide.

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The President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. Wickersham offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the thanks of this Convention be tendered to the members of the Revision Committee for their painstaking, exacting and arduous labors in their work in connection with the Convention.

The President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. Wickersham offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the thanks of this Convention be tendered to John H. Finley, Commissioner of Education, and to his assistants in charge of the State Library, for their courtesy and kindness to the delegates of the Convention during its session.

The President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. S. K. Phillips offered for the consideration of the Convention a resolution, in the words following:

Resolved, That Michael T. McGrath, General Clerk of the Assembly, Ned A. Cyphers, stenographer to the clerk of the Assembly, and G. C. Squires, second assistant journal clerk of the Assembly, be allowed and paid each the sum of four hundred and fifty-five dollars for services rendered to the Constitutional Convention while the Assembly was not in session and at such times as their services were not required by the duties of their positions.

The President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. S. K. Phillips offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the services of Assistant Secretary Hammond, Harvy B. Dingman, superintendent of documents; John S. Patterson, assistant superintendent of documents; R. C. Derrick, index clerk; Joseph V. Allen, chief of pages; Otto Werner, mes-

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senger, be continued for thirty days and that the services of Cornelius Shufelt, clerk to the Committee on Contingent Expenses, and Fred M. Bishop, financial clerk, be continued for ten days to close up the work of the Convention, and that the officers of the Convention be authorized to certify their compensation and expenses at the rates heretofore fixed by the Convention.

The President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. J. L. O'Brian offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the thanks of this Convention be tendered to the officers, clerks and employees of the Convention for their able and efficient services, and the satisfactory manner in which they have discharged the duties of their several offices.

The President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. Parsons offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the thanks of this Convention be tendered to the elevator men and other employees of the Capitol building for their courtesy and kindness to the delegates of the Convention during its session.

The President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. Stimson offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the President be authorized upon the approval of the Revised Constitution by the people, to appoint from the members of the Convention a committee of thirty to tender to the Legislature their services as a committee and through appropriate sub-committees to aid towards the performance of the difficult and important duties which will rest upon the Legislature of 1916.

The President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

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Mr. Wiggins offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the Secretary of State be requested to furnish each member of the Convention with one hundred copies of the Proposed Constitutional Amendments prepared by him for delivery to the voters of the State, showing the old matter stricken out and the new matter inserted.

The President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. Wickersham offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the thanks of the Convention be extended to the Librarian and Assistant Librarian of the Legislative Library for their efficient services during the session of the Convention.

The President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. Wickersham offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the thanks of the Convention are hereby tendered to the gentlemen of the press for the fairness and impartiality with which they have set before the public the proceedings and the work of the Convention.

The President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

On motion of Mr. Wickersham the Convention took a recess until six o'clock and forty-five minutes P. M., and the Chair was requested to appoint a committee to wait upon the Secretary of State and inform him that at that hour the President would be ready to present to him the official copy of the Revised Constitution.

The President appointed as such committee Vice-Presidents Schurman and O'Brien and Mr. Wickersham.

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SIX O'CLOCK AND FORTY-FIVE MINUTES P. M.

The Convention again convened.

Mr. Wickersham offered for the consideration of the Convention a resolution, in the words following:

Resolved, That the thanks of the Convention be extended to John K. Marshall, stenographer, and his assistants, and to J. B. Lyon Company, Printers, for their excellent work for and service to the Convention.

The President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

The President presented the communication of the Secretary of State in relation to the recent enumeration and in response to a resolution of the Convention, which was ordered spread upon the Record.

The committee appointed to wait upon the Secretary of State presented Hon. F. M. Hugo, Secretary of State, and the President delivered to him for preservation among the archives of the State the engrossed copy of the Revised Constitution as adopted by the Convention, duly attested by the signatures of the President and Secretary as directed by the Convention.

Mr. D. Nicoll offered for the consideration of the Convention a resolution, in words following:

Resolved, That the thanks of this Convention be tendered to the Hon. Elihu Root for the ability, fairness and courtesy which have distinguished his services as President of this Convention.

Mr. Vice-President Schurman put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

Mr. Sheehan offered the consideration of the Convention a resolution, in words following:

Resolved, That the thanks of the Convention be tendered to the Hon. Jacob Gould Schurman and the Hon. Morgan J. O'Brien for their efficient and impartial services as Vice-Presidents of this Convention.

The President put the question whether the Convention would agree to said resolution, and it was determined in the affirmative.

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Pursuant to the authority vested in me by the following resolution:

Resolved, That the President of the Convention be and he hereby is authorized to designate some suitable person or persons to revise and index the Record of the Convention and to index the Journal, documents, and the Proposed Constitutional Amendments and that the expense incurred for such services (not exceeding $5,000) be paid out of the moneys heretofore appropriated for the expenses of the Convention upon vouchers signed by the President or the Vice-President of the Convention and by the Secretary or Assistant Secretary designated by the Secretary for that purpose. The work to be done under the supervision and approval of a committee of three members of the Convention to be appointed by the President.

Further Resolved, That the revised Record, Journal, and documents be printed and bound under the Convention printing contract; that the printed and bound copies be delivered to the State Library for distribution to delegates, libraries, educational institutions, and otherwise, and that the sum of ten thousand dollars ($10,000), or so much thereof as shall be necessary, be paid for such printing and binding out of the unexpended balance of the appropriation of the expenses of the Convention.

I hereby designate Fred W. Hammond and William K. Mansfield, as his assistant, to revise and index the Record of the Constitutional Convention of 1915 and to index the Journals, documents and Proposed Constitutional Amendments thereof.

And I hereby appoint Leroy A. Lincoln, George A. Blauvelt and Robert R. Law to be the committee under the supervision and approval of which the said work of revision and indexing is to be done, Mr. Lincoln to be chairman of the committee.

ELIHU ROOT,
President of the Convention.

The work of the Convention being finished, the President declared the Constitutional Convention of 1915 adjourned sine die.

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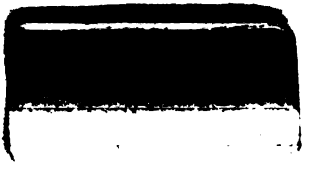
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